



Backgrounds of Selective Service


VOLUME II • PART 14

List of Parts

MONOGRAPH 1, VOLUME II

1. General Information.
2. Connecticut Enactments.
3. Delaware Enactments.
4. Georgia Enactments.
5. Maryland Enactments.
6. Massachusetts Enactments.
7. New Hampshire Enactments.
8. New Jersey Enactments.
9. New York Enactments.
10. North Carolina Enactments.
11. Pennsylvania Enactments.
12. Rhode Island Enactments.
13. South Carolina Enactments.
14. VIRGINIA ENACTMENTS.

y 3. Se 4. 17 / i / v. 2 / p. 14



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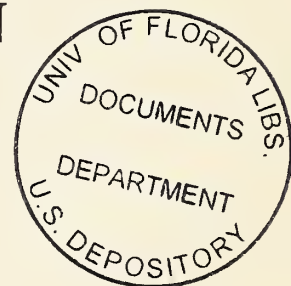
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BACKGROUNDS OF SELECTIVE SERVICE

Military Obligation: THE AMERICAN TRADITION

*A Compilation of the Enactments of Compulsion
From the Earliest Settlements
of the Original Thirteen Colonies in 1607
Through the
Articles of Confederation 1789*



SPECIAL MONOGRAPH NO. 1

VOLUME II

PART 14. VIRGINIA ENACTMENTS

THE SELECTIVE SERVICE SYSTEM

1947

CLEARANCE COMMITTEE

BRIG. GEN. CARLTON S. DARGUSCH, *Chairman*

COL. VICTOR J. O'KELLIHER

LT. COL. ARTHUR BOONE

COL. LEWIS F. KOSCH

LT. COL. IRVING HART

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Virginia

(AND SEE MASSACHUSETTS)

Year War Class I Provisions Class II Provisions

1605	1607 INDIAN		
1610			
1615			
1620	1622 INDIAN		
1625			
1630		(371) 1629	
1635			
1640	1638 INDIAN		
1645	1644 INDIAN		
1650	1651 ENGLISH INVASION		
1655			
1660			
1665			
1670			
1675	1675 SUSQUEHANNOCK EXPEDITION 1677 BACON'S REBELLION		(379) 1675
1680			
1685	1682 TOBACCO CUTTING RIOTS 1684 PIRACY		(381) 1682 (386) 1684
1690	1689		
1695	KING WILLIAM'S		
1700	1697 1699 PIRACY 1701		
1705	QUEEN ANNE'S	(387) 1705	
1710			
1715	1713 1715 EXPEDITION TO SOUTH CAROLINA		
1720	1718 PIRACY (Blackbeard)		
1725		(389) 1723	
1730			
1735		(393) ca. 1737	
1740	1741 CARTHAGENA EXPEDITION		
1745	1746 CANADIAN EXPEDITION 1748 (King George's War)		
1750		(398) ca. 1752 (401) ca. 1753	
1755	1754 GREAT MEADOWS 1755	(403, 404) 1756 (406) ca. 1757	(399, 400) 1755 (403) 1756
1760	FRENCH and INDIAN		
1765	1763 PONTIAC'S 1764		
1770			
1775	1774 LORD DUNMORE'S 1775		(416) 1775 (419) 1776 (422, 424) 1777 (624) 1778 (426) 1779
1780	REVOLUTION	(420, 423) 1777	(428, 429, 431, 433, 432) 1780
1785	1783	(436) 1784	

Notes

Class I Provisions are defined as general enactments of compulsion; laying obligation on citizenry, or far duty in common militia, or both.

Class II Provisions are defined as drafts of members of militia and other organizations, or of citizenry, on specific occasions, or for specific purposes.

Numbers in parentheses identify Statutes reproduced in this Compilation and referred to in the Digest.

Dates preceded by "ca." are approximate.

Historical Data

1584. Grant to Sir Walter Raleigh.

1606. First charter of Virginia by King James I dated April 10, 1606.

1609. Second charter of Virginia.

1611-12. Third charter of Virginia (covering islands off the coast).

1776. Virginia bill of rights adopted June 12

1776. June 29, First constitution of Virginia.

1781-87. Cession of western lands excepting "Virginia Military Lands."

LAWS and ORDERS concluded on by the General Assembly, March the 5th, 1623-4.

[From a M. S. furnished the editor by Thomas Jefferson, President of the United States.—This manuscript is endorsed, (evidently in the same hand writing with the acts themselves,) thus :

“ *The first Laws* made by the*

“ *Assembly in Virginia Anno*

See also original
p. 127

MDCXXIII.”

And immediately underneath, in the hand writing of Mr. Jefferson, is this endorsement :

“ *This was found among the manuscript*

“ *papers of Sir John Randolph, and*

“ *by the Honorable Peyton Randolph, Esqr.*

“ *his son, was given to Thomas Jefferson.”]*

* *Stith*, in his history of Virginia, pa. 160, says, that in the latter end of June, 1619, Sir George Yeardley, then governor, called the first assembly that was ever held in Virginia. Counties not being then laid off, the representatives of the people were elected by townships ; the boroughs of *James-Town*, *Henrico*, *Bermuda Hundred* and others, sending their members to the assembly ; from which circumstance, the lower house was first called the house of *Burgesses*. The acts of this assembly, says *Stith*, were remitted to England and presented to the company, to be read in the court the 20th of March following : For the company had then the regal power of confirming or disannulling the acts of assembly :—but he could no where find, among the records extant, any account of the particulars that passed ; only that Sir Edwin Sandys, upon perusal of them, assures the company that they were very well and judiciously formed ; but were very intricate and difficult to be reduced into distinct and proper heads.

—*Beverley* (page 35) says that the first assembly was held at *James-Town*, in May 1620 ; and that the burpesses sat in the same house with the governor and council, after the manner of the *Scotch* parliament :

Q

369. Va.—General Assembly; Laws, Vol. I, W. Hening, 1809; Act, Mar. 5, 1623-4, pp. 121, 127.

- | | |
|--|--|
| 23. That every dwelling house shall be pallizaded in for defence against the Indians.* | Dwelling houses to be palisaded: |
| <hr/> | |
| 24. That no man go or send abroad without a sufficient partie will armed. | Precaution as to arming men. |
| <hr/> | |
| 25. <u>That men go not to worke in the ground without their arms (and a centinell upon them.)</u> | The same.

Inhabitants not to absent themselves too much from their plantations. |
| <hr/> | |
| 26. That the inhabitants go not aboard ships or upon any other occasions in such numbers, as thereby to weaken and endanger the plantations. | Precautions as to powder and arms. |
| <hr/> | |
| 27. That the commander of every plantation take care that there be sufficient of powder and amunition within the plantation under his command and their pieces fixt and their arms compleate. | Watch. |
| <hr/> | |
| 28. That there be dew watch kept by night. | Powder not to be unnecessarily spent. |
| <hr/> | |
| 29. That no commander of any plantation do either himselfe or suffer others to spend powder unnecessarily in drinking or entertainments, &c. | Persons of quality, delinquents, instead of corporal punishment to be imprisoned. |
| <hr/> | |
| 30. That such persons of quality as shall be founde delinquent in their duties being not fitt to undegoe corporal punishment may notwithstanding be ymprisoned at the discretione of the commander & for greater offences to be subject to a ffine inflicted by the monthlie court, so that it exceed not the value aforesaid. | Castle duties. |
| <hr/> | |
| 31. That every man that hath not contributed to the finding a man at the castell shall pay for himself and | |

* This and the subsequent acts grew out of the situation of the country, arising from the late massacre.

who are to
have shares
of land to
them and
their heirs.

all that should bee the adventurers, and to bee there seated by the 15th of November next. Whereuppon voluntarily the Governor offered to find 3 men.

Capt. Mathewes	4
Mr. farrar	1
Mr. Thorowgood	4
Mr. English	2
Mr. flint	4
Mr. Rowlston	2
Capt. Basse	1
Mr. Harwood	1
Mr. Bennett	1
Goodman Tree	1
Tho. Seely	1
Capt. Peirce	2

It was ordered they should have shares of land to them and their heirs.

ACT II.

Commanders
of plantati-
ons to levy a
force to be
employed a-
gainst the
Indians.

IT is ordered that every commander of the severall plantations appointed by commission from the governor shall have power and authoritie to levy a partie of men out of the inhabitants of that place soe many as may well be spared without too much weakening of the plantations and to imploy those men against the Indians, when they shall assault us neere unto our habitations, or when they in their discretion shall deeme it convenient to cleare the woods and the parts neere adioyning when the Indians shall bee a hunting or when they have any certaine knowledge of the Indian's abroad in those places. And if there shall be cause that the commander in person can not attend these services, then in such cases, and in his absence hee is to appoint his deputie.

If the com-
mander can-
not attend,
he must ap-
point his de-
puty.

ACT III.

Three sever-
al expediti-

IT was the opinion of the whole bodie of the Assembly that we should go three severall marches upon the

371. Va.—General Assembly; Laws, Vol. 1, W. Hening, 1809; Act, Oct. 1629, p. 140.

See also original
p. 174

ACT XLIV.

EVERY private planter's devident, shall be survey-
ed and layd out in severall, and the bounds re-
corded by the surveyor, and yf there be any petty dif-
ferences betwixt neighbours about their devidents, to
be desided by the surveyor, yf of mayne importance to
be refered to the Governor and Counsell.

Lands to be
surveyed.

Appeal:

ACT XLV.

FOR encouragement of men to plant store of corne,
the prize shall not be stinted, but it shall be free
for every man to sell it as deere as he can. And the
reason hereof is contrary to the president of other coun-
tries, and kingdoms, for none are so poore heere, as
that they may not have as much corne, as they will
plant, havinge land enough.

Price of corne
not to be li-
mited.

ACT XLVI.

ALL trade with the Savages prohibited, as well
publique as private.

Trade with
the Indians
prohibited.

ACT XLVII.

NOE man shall goe or send abroad without a suffi-
cient party well armed.

Precaution
as to being
armed.

ACT XLVIII.

NOE man shall goe to worke in the grounds with-
out their armes, and a centinell upon them.

Arms:

ACT XLIX.

THERE shall be due watch kept by night where
neede requires.

Watch.

ACT L.

NOE commander of any plantation, shall either
himselfe or suffer others to spend powder unne-
cessarilie, that is to say, in dringing or enterteyn-
ments.

Powder &
shot.

ACT LI.

To go armed
to church.

ALL men that are fittinge to beare armes, shall bringe their peices to the church uppon payne of every effence, yf the mayster allow not thereof to pay 2 lb. of tobacco, to be disposed by the church-wardens, who shall levy it by distresse, and the servants to be punished.

ACT LII.

Obedience
to superiors.

NOE person within this colony uppon rumour of supposed change and alteration shall presume to be disobedient to the present government, nor servants to their private officers, maysters and overseers, at their uttermost perills.

ACT LIII.*

Adjoining
plantations
to assist, up-
on alarms.

THE ioyninge plantations, to assisst the fronteires or their neighbours, uppon alarmns, the default to be severelie censured, and false alarmns punished.

ACT LIV.

No hides to
be exported.

IT is ordered, That no cowe hides, oxe hides, bull hides, goate skynes, deer skynes, or other hides, or skynes whatsoever, be sent or carryed out of this colony uppon forfeiture of thrice the value, whereof the one halfe to the informer, and the other halfe to publique uses.

ACT LV.

Terms of the
quarterly
courts at
James City.

IT is established and appoynted, That the fowre quarter corts shall be held at James-Citty yearlie, as followeth, vizt. uppon the first day of September, the first day of December, the first of March, and the first day of June.

ACT LVI.

Comman-
ders to exer-
cise their
men at stated

IT is ordered and appoynted, That the comandars of all the severall plantations, doe upon holy days exercise the men under his comand, and that the coman-

* There is no act numbered LIII in the manuscript.

ders yearlie doe likewise uppon the first day of December, take a muster of their men, together with the women and children, and their ages, countries, and towns, where they were borne, with the shippes they came in, and the yeare of the Lord, as also of armes and munition, corne, cattle, hoggs, goates, barques, boates, gardens, and orchards, and yf they shall make default, to be censured by the Governor and Counsell.

periods—and also take a census of the inhabitants.

ACT LVII.

The third of March, 1631.

IT is agreed upon by the Grand Assembly, That Capt. Samuel Mathwes, when he hath finished, and perfected, the worke at the ffort at Poynt Comfort, shall give notice to the comissioners for that purpose, that they may viewe the worke.

Fort at Point Comfort.

ACT LVIII.

IT is further agreed, That Capt. Samuel Mathewes, shall leave 6 sufficient men thereon for a guard, and that he shall receive satisfaction for them, of the country, until such tyme as it can be otherwise provided for.

Guard at Point Comfort.

ACT LIX.

THAT the inhabitants about the corporation of James Citty, with the ayde of the Burgisses thereof, shall with all convenient speed that may be, remove the carriages for the ordinance, into some dry place to preserve them for the decayinge of the weather, or otherwise.

Carriages for ordinance.

ACT LX.

IT is thought fitt, That no boates be permitted to goe and trade to Canida, that be not of the burden of ten tunnes, and have a flush deake, or fitted with a gratinge and a trapaulinge.

Size and construction of boats to trade to Canida.

are required to observe all good termes of amitie, and that they cause the planters neverthesse to stand upon their guard, and not to suffer the Indians especially the Mattowombes to make any ordinary resort or aboade in their houses, and yf any English without leave resort unto their townes, the commanders are to binde them over to the next quarter cort.

Penalty on the English resorting to their townes.

ACT XXVII.

AND *because wee hold the neighbouringe Indians our irreconcilable enemyes, it is further thought fitt,* That yf any Indians doe molest or offend any plantations in their cattle, hoggs, or any thinge else, or that they bee found lurkinge about any plantation, then the commander shall have power by virtue of this act to rayse a sufficient partie and fall out upon them, and persecute them as he shall finde occasion.

Commanders to fall upon Indians lurking about or molesting cattle, &c.

ACT XXVIII.

BE *it also enacted,* That every artificer or laborer that shall be lawfully reteyned in and for the buildinge or repayringe of any church, house, shipp, milne, or every other peice of worke taken in greate, or that shall hereafter take upon him to make or finish any such thinge or worke, shall continue and not depart from the same unlesse it be for not payinge of his wages, or hire agreed on, or otherwise by lawfull authoritie taken from the sayd worke, or lycense to depart by him, that hath the charge thereof before the finishinge of the sayd worke upon penaltie of one mounthes imprisonment without bayle or mayneprize and the forfeiture of the sum of £ 5 sterlinge to the partie soe greaved, over and besides such ordinarie costs and damages as may or ought to be recovered by the common lawes for any such offence.

Workmen not to withdraw from their work, under a penalty.

ACT XXIX.

BE *it also enacted accordinge to the lawes of England,* That all and every person or persons which shall be drunke, and of the same offence of drunkenes shall

Drunkenness, how punished.

See also original
p. 200

ACT XLII.

Arms.

NOE man shall goe to worke in the grounds without their armes, and a centinell upon them places where the commander shall require it.

ACT XLIII.

Watch.

THERE shall be due watch kept by night where neede requires.

ACT XLIV.

Not to spend
Powder.

NOE commander of any plantation, shall either himselfe or suffer others to spend powder unnecessarily, that is to say, in dringing or enterteynments.

ACT XLV.

To go armed
to church.

ALL men that are fittinge to beare armes, shall bringe their peices to the church upon payne for every effence, if the default be in the master, to pay 2 lb. of tobacco, to be disposed by the church-wardens, who shall levy it by distresse, and the servants shall be punished commander.

ACT XLVI.

Obedience
to superiors.

NOE person within this colony upon the rumour of supposed change and alteration shall presume to be disobedient to the present government, nor servants to their private officers, masters and overseers, at their uttermost perills.

ACT XLVII.

Adjoining
plantations
to assist the
frontiers in
case of a
harm.

THE adioyning plantations, shall assist the frontiers or their neighbours, upon alarmes, the default to be severelie censured, and false alarmns punished.

ACT XLVIII.

Exportation
of certain

IT is ordered, That no cow hides, oxe hides, bull hides, goats skins, deare skins, or other hides, or skins

whatsoever, shall be sent or carried out of this colony upon forfeiture of thrice the value thereof, the one halfe to the informer, and the other halfe to publique uses. Beaver skins, otter skins and all sorts of furs excepted.

hides and skins prohibited.

Beaver & otter skins excepted.

ACT XLIX.

NOE man shall kill any wild swyne out of the Forrest or woods, except in his or devident, without leave or lycense from the Governor. But it is thought convenient that any man be permitted to kill deare or other wild beasts or fowle in the common woods, Forrests, or rivers in regard that thereby the inhabitants may be trained in the use of their armes, the Indians kept from our plantations, and the wolves and other vermine destroyed. And for encouragement to destroy the wolves, it is thought that whosoever shall kill a wolfe, and bringe in his head to the commander, it shall be lawfull for such person or persons for every wolfe soe kild, to kill also one wild hogg and take the same for his owne use.

Wild hogs not to be killed unless within a man's owne land.

Deer & wild beasts may.

Reward for killing wolves.

ACT L.

HIGHWAYES shall be layd out in such convenient places as are requisite accordinge as the Governor and Counsell or the commissioners for the monthlie corts shall appoynt, or accordinge as the parishioners of every parish shall agree.

Roads or high ways to be laid out.

ACT LI.

ALL such as will seate downe and inhabit betweene the heads of Archer's Hope creeke, and Queenes creeke shall be freed of all generall taxes untill some other shall be without them, and they shall have fifty acres of land for every person that yeare seate there, as the planters of Kiskyake have had.

Settlement rights in a certain district.

ACT LII.

EVERY man shall enclose his ground with sufficient fences or else to plant, upon their owne perill.

Grounds to be inclosed.

LAWS OF VIRGINIA,

ACT LIII.

Commanders to exercise their men on holidays: and take a census of the inhabitants yearly, with their arms and other property.

IT is ordered and appointed, That the commanders of all the severall plantations, doe upon holy dayes exercise the men under their command, and that the commanders yearlie doe likewise upon the first day of December, take an exact muster of their men, together with the women and children, their ages, countreyes, and townes, where they were borne, with the names of the shippes they came in, and the yeare of the Lord, as also of armes and munition, corne, cattle, hoggs, goates, shippes, barques, boates, gardens, orchards, and yf they shall make default, to be censured by the Governor and Counsell.

ACT LIV.

Boats not to be employed in the Canad trade unless of a particular construction.

IT is thought fitt, That no boates be permitted to goe and trade to Canida or elsewhere that be not of the burthen of ten tunns, and have a flush decke, or fitted with a gratinge and a tarpaulinge exceptinge such as be permitted for discovery by a speciall lycense from the Governor.

ACT LV.

Masters of vessels transporting persons out of the colony, without notice, liable for their debts

NO master or commander of any vessell, boates, barques, or shippes, shall transport any person or persons out of this colony except the sayd person or persons doe give notice thereof in the place where he or they are then resident ten dayes before his departure upon the penaltie to pay all such debts as all such persons shall stand indebted unto any person within this colony at the tyme of his or their departure.

ACT LVI.

No person to remove to New England without license from the governor.

IT is ordered, That no person or persons shall depart out of this colony to inhabite or abide within any other plantations, of New-England or elsewhere, unlesse he obteyne a lycense or passe for his departure under the Governor's hand.

ACT VII.

Public charges, ministers, &c.

HOW public charges and impositions is to be paid, vizt. ministers 10 lb. per poll to maintain himself, clk. and sexton; muster master gen'l. 3 lb; capt. of the fort and ten guards, 3 lb. Two lbs. to be raised next year, to build a new fort at Point Comfort and 2 lb. more to build a state house.

ACT VIII.

Debtors to pay 2 thirds of their debts only.

NOT to pay above 2 thirds of their debts during the stint.

ACT IX.

Price of tobacco made 1640.

TOBACCO made 1640 not to be sold under 12d per pound and 2s per lb. next year's crop, on forfeiture of the whole crop.

ACT X.

All persons to be armed except negroes.

ALL persons except negroes to be provided with arms and amunition or be fined at pleasure of the Governor and Council.

ACT XI.

James City the metropolis.

JAMES CITY to be the chief town and Governor is to have his residence there.

ACT XII.

Concerning wine.

AN act against buying wine or liquors repealed.

ACT XIII.

Orchards.

AN act to plant orchards made in 1636. revised.

374. Va.—*Grand Assembly; Laws, Vol. 1, W. Hening, 1809; Act, Jan. 6, 1639, p. 226.*

ACT VIII.

Certain
counties as-
sociated to
carry on the
war against
the Indians.

Council of
war.

Their power.

How punish-
ed for abuse
of power.

Every 15
tithables to
furnish a sol-
dier for car-
rying on the
war on the
north side of
the river.

Who are
deemed tith-
ables.

Penalty for
concealing
tithables.

When the
council of
war may
press men.

BE it enacted by the Governour, Counsell and Bur-
gesses of this Grand Assembly that the countys of
Isle of Wight, Vpper Norff: and Lower Norff: shall
prosecute the enemie and defend those parts from Vp-
per Chipoaks downewards by constant marches vpon
the Indians, And the inhabitants of Lawnes Creeke vp-
wards to the falls on the south side of the river shall do
the like from the Vpper Chipoaks to the vtmost extent
on that side. And that the Leifts. and deputy Leifts.
or the major part of them be the counsell of warr of the
aforesaid associating countys and limitts vnder the Go-
vernour and Counsell; And that the warr be managed
equallie and proportionably, respect being had to the
frontiers, And that the same counsell of warr shall have
power to leavie such and soe manie men, arms, ammu-
nition and other necessaries as emergencie of occasions
shall require, And in case of any of the said Leifts. or
deputy Leifts. shall abuse their trust, And just com-
plaint made thereof, that they shall be subject to punish-
ment by the Governour and Council or General As-
sembly, And that the election of the comandars in
cheife be from time to time referred to the Governour
and Council, And be it further enacted by the autho-
rity aforesaid that for the manageing the warr on the
north side of the river, That evrie 15 tithable persons
shall sett forth, compleatly furnish and maintain, one
soldier, vntil such time as the Governour and Council
shall find cause to increase or diminish the number;
And because there shall be no scruple or evasion who
are and who are not tithable, It is resolved by this
Grand Assembly, That all negro men and women, and
all other men from the age of 16 to 60 shall be adjudg-
ed tithable: And in case any person or persons within
their familys, that such delinquents shall forfeit double
pay for everie tithable person soe concealed; And
where ffifteen are joyned to set forth one and cannot a-
gree amongst themselves, That in such case the coun-
cil of warr shall press whom they shall think fitt, And
whereas some difference may arise concerning the pay
of the soldier so sett out, It shall be lawfull for the 14
to compound and agree with him as they and he shall
think fitt, And in case of disagreement that then the
counsell of warr shall allow the soldier such satisfacti-

375. Va.—*Grand Assembly, James City; Laws, Vol. 1, W. Hening,*
1809; Act, Feb. 1644-5, pp. 292-293.

on from the 14 as to them shall seem convenient, And the said counsell of warr shall have power to arme the soldier with all necessaries out of the said fifteen men, provided that the soldier be responsible for his arms (in case he shall negligently loose or spoyle them) out of his salary, And to avoid all doubts and controversies that may arise in case of the death of any such soldier, whether he be servant or other, Be it enacted by the authoritie aforesaid that any soldier so slayne in the service his whole yeares sallary shall be due if he were hired for so long time as he did serve, and the remainder by a publique leavie, And in case he be only sick, maymed or hurt, that then the county of which he went to pay for his cure to the chirurgion that shall be employed about him, And if it so fall out that a diminution of the armes shall be expedient, That then the least number maintaining a soldier shall be first releived.

May arm the soldier, who are to be responsible if they negligently lose them.

Soldier killed in service entitled to his whole year's pay.

If wounded the expense of cure to be paid by his county.

Who to be first discharged.

ACT IX.

BE it also enacted that there be three fforts erected, one at Pomunky to be called Fort Royal; another at the Falls of James River to be called ffort Charles, and the third on the Ridge of Chiquohomine, and to be called Fort James, And that carpenters and other necessarie handicraft men for and about the said worke be pressed at the rate of 7 pound of tobacco per diem for conveniencie of retreate and other occasions, The commanders of the fforts to be appointed by the Governour and Council; And in case an expedition to Pomonkey or any other northerly part of the collony do require it, that the severall commanders with their companies shall joyn by a comand from the Governour and Council to prosecute the said warr, and leaving a sufficient strength at each ffort, and in case they shall not be thought a sufficient company so joyned as aforesaid, That the Governour and Council shall have power to raise either men, horses, armes, amunition or provison as they shall think fitt or expedient for the service, And because it is an vndisputable truth, that the service of some Indians either of Achomack or Rappahannock be treated with and entertained for the further discovery of the enemy, Be it also further enacted, That the commanders in cheife receive for their year's sallary as a

Three fforts to be built: Fort Royal; Fort Charles; Fort James.

Pay of workmen.

Governor & council may raise men.

Pay of officers.

reason of their frequent resort to him vpon pretence of publique negotiations, as also being sensible of the many disaffections to the government from a schismaticall party, of whose intentions our native country of England hath had and yet hath too sad experience, and also for many other reasons appearing of weighty regard to this Assembly, It is thought fitt and enacted, That the Govern'r. will please to presse ten able men with arms and amunition competent to attend vpon him as a guard to his person and to employ them in such services, either in publique or private affaires as he shall think fitt, and that for their salary or wages of each person there be leavied two thousand pounds of tobacco, in toto 20000 lb. of tob'o. from the publique the next year (vizt.) 1649.

gov. in consequence of alledged attempts upon his life, by the Indians, who visit him on pretence of negotiation, & also from the disaffection to the government manifested by a schismatic party, here and in England. Their pay.

ACT V.

THIS Assembly haveing knowledge that divers persons vpon occasion of a presse of souldiers by warrant from the Govern'r. or by order from the Gov'r. and council out of a mistake in opinion do conceive their liberties and the lawes of the collonie thereby infringed and themselves particularly injured, the authority of an Assembly not concurring therein. It is therefore thought fitt not by law to establish, but to declare the judgment of this Assembly vpon pervsall of his Ma'ts. comission and instructions that by vertue of the said com'on and instructions full and ample power is derived from his Majesty to the Governour and Council to make peace or warr, and as a necessary consequent to levv or presse men or other provisions for the warr vpon any emergent occasion to which power in the comission litterally expressed, we may not presume to conceive that any act of Assembly can add strength or vigor, but that all his Ma'ts. subjects are in loyaltie and in due obedience to his sacred Ma'tie. obliged therevnto; And we ought humbly to acknowledge his Majesties royal care of his subjects in establishing such a power wherein are naturally placed so many concernments to the peace and safety of all good subjects, many accidents not admitting delay of time nor those slow motions of great counsellis.

Recital of the complaints of the people, that the pressing of soldiers by the gov. & council without act of assembly, is an infringement on their liberties. The assembly declare that such power is derived from the king by virtue of the commission & instructions to the governors and that they ought to acknowledge his majesty's royal care for establishing such a power.

ACT XXIII.

The Act for Hides and Iron not to bee Exported Repealed.

THE act prohibiting the exportation of old Iron & Hides is hereby repealed and liberty given to any one to make their best advantage of them..

Act 124 of March, 1657-8 repealed.

ACT XXIV.

Free Trade with the Indians.

WHEREAS it is manifest that the neighbouring plantations both of English and florrainers do plentifully furnish the Indians with gunns, powder & shott, and do thereby drawe from vs the trade of beaver to our greate losse and their profit, and besides the Indians being furnished with as much of both gunns and ammunition as they are able to purchase, *It is enacted*, That every man may freely trade for gunns, powder and shott: It derogateing nothing from our safety and adding much to our advantage, And this act to be in force the first of April which shall be in the yeare one thousand sixe hundred and sixty.

Preamble.

Trade with Indians allowed for guns, powder and shot.

ACT XXV.

Provision to bee made for Amunition.

BEE it enacted that a provident supplie be made of gunn powder and shott to our owne people, and this strictly to bee lookt to by the officers of the militia, (vizt.) That every man able to beare armes have in his house a fixt gunn two pounds of powder and eight pound of shott at least which are to be provided by every man for his family before the last of March next, and whosoever shall faile of making such provision to be fined fiftie pounds of tobacco to bee laied out by the county courts for a common stock of amunition for the county.

Every man to be provided with a gun & a certain quantity of powder and shot.

377. Va.—Grand Assembly, James City; Laws, Vol. 1, W. Hening, 1809; Act. Mar. 1658-9, p. 525.

ACE CXVIII.

Edit. 1733 and
1752.
Purvis 85.
[See vol. 1, p
170 264 460.]

Against private taking away of Boates.

Pen'ty for pri-
vately taking
away boats &
canoes.

FORASMUCH as diverse persons suffer greate damage by private and concealing and taking away of boates and cannoos without lycense from the owners thereof, *It is enacted and confirmed by the authority aforesaid* that the commissioners of each county court shalbe hereby authorised (if required) to order and give satisfaction from the party soe trespassing to the party injured by want of his or their boate, boats or cannoos, five hundred pounds of tobacco penalty to the owner, and what damage the boate susteynes.

ACT CXIX.

Against Shooting.

Edit. 1733 and
1752.
Purvis 85.
[See vol. 1, p
401 480]

Shooting guns
at drink'gs or
marriages pro-
hibited
Burials excep-
ted.

WHEREAS it is much to be doubted the common enemy the Indians, if opportunity serve, will suddenly invade this country and bring it to a totall subjection of the same, and whereas the only meanes for discovery of their plotts is by allarmes of which noe certainty can be had in respect to the frequent shooting of guns in drinkings, whereby they proclayme and justifie that beastly vice; *Be it therefore enacted* that what person or persons soever shall after publication hereof shoote any guns att drinking or marriages (buryalls excepted) such person or persons soe offending shall forfeite two hundred pounds of tobacco to the publique to be levyed by distresse in case of refusall.

ACT CXX.

Supply of ammunition.

Edit. 1733 and
1752.
Purvis 86.
[See vol. 1, p
525]

Ev'ry man able
to bear arms,
to provide him-
self with a gun
2 lb of powder
& 8 lb of shot.

BEE it enacted that a providen. supply be made of guns, powder and shott to our owne people, and this strictly to be looked to by the officers of the militia (vizt.) that every man able to beare armes have in his house a fixed gun, two pound of powder and eight pound of shot at least, which are to be provided by every man for his family before the last of March

next; and whosoever shall fayle in making such provision to be fined fifty pounds of tobacco to be laid out by the county courts for a common stock of ammunition for the county, the enquiry referred to the grand jury. Penalty & how appropriated.

ACT CXXI.

Against exacting Millers.

WHEREAS by a second act of a grand assembly, Anno 1645, it was ordered and established for reforming the greate abuse of millers in exacting excessive and illegall tole, that noe person or persons using or occupying any mill should take or receive for the grinding of any graine or exchanging it for meale above the sixth part thereof for tole, which act hath not taken such effect as was intended thereby, in respect as is conceived neither penalty was imposed therein upon the offender nor the execution thereof was given in direction to any perticular officer; *It is therefore thought* fitt to enlarge the said act, and by vertue thereof to require all millers or owners of mills to provide by the five and twentyeth day of June next come twelve month stillyards, or statute weights and scales by which they are to receive in and deliver out all graine, and that they doe suffitienly grind or exchange the said graine soe brought, upon the penalty (in case they doe exact beyond the said proportion for grinding or exchanging, or in case of default of such weights and scales, or for not suffitienly grinding the same) of one thousand pounds of tobacco, and that the grand jury inquire thereof.

Edit. 1733 and 1752.
Purvis 86.
(See vol. 1, p 301 347 485.)

Millers to provide steely'ds or statute wts and scales.
Pen'ty for not grind'g or exchanging grain for meal, or taking more than legal toll; or not providing wts. &c.

ACT CXII.

Against exportation of English goods.

WHEREAS the necessities of this country are relieved cheifly by the importation of English goods, and that releife much obstructed by many that bring in unnecessary comodityes, and make sale thereof for tobacco, which they againe truck for substantial comodities as cloathing and the like and by that meanes

Edit 1733 and 1752
Purvis 87.
[See vol. 1, p 519]
Preamble.

Boundaries of
Indians on the
south side of
James river.

river should come over the *Black water* or the southerne branches thereof, *It is hereby enacted* that the said (a) bounds from the head of *Black water* to the *Apamatack* Indian towne and thence cross the river to the *Monikon* towne be the bounds of the Indians on the southside of James river.

ACT IX.

Edit. 1723 and
1752

An act concerning the building of a ffort.

Pur. s 136.

A fort to be
erected.
Gov. to fix on
the site.

To presse work
men.

Price of pine
trees.

Train bands to
work on fort.

Surveyor of
the work.

His compen-
sation.

IN obedience to his majesties royall commands for the better defence of the country, *this assembly have thought fitt to enact, and be it enacted* that a ffort be built with all convenient expedition, where the right honourable the governour shall thinke most convenient, and that fflowrescore thousand pounds of tobacco be levyed to that purpose besides the sale of the king of Potomacks land. *Be it further enacted* that his honour give power to presse carpenters labourers and other workemen, and that the carpenters finding themselves dyett and lodging be allowed fforty five pounds of tobacco per day; and for the expediting and finishing the said ffort, *It is hereby enacted* that it shalbe lawfull for the surveyor of the workemen to cause pines to be fallen on any mans land for that use, paying to the proprietor of the land six pence for each tree; *And it is further enacted* that each person of the trayned bands in *James Citty* and *Surry* counties contribute six days worke towards the perfecting the said ffort, and bring their owne provisions with them. *And be it further enacted* that captain *William Bassett* be authorized surveyor of the whole worke and have command of the workemen therein employed, the country gratifying the said captain *Bassett* with ten thousand pounds of tobacco: And this assembly takeing into their consideration what persons be fittest to keep the

Various Readings.

(a) In Purvis and edi. 1733, 'southern branches of Blackwater, from the head of those branches to the present Appomattuck Indian town, and thence cross the river by a continued line to the Monakon towne &c.'

383. Va.—*Grand Assembly, James City; Laws, W. Hening, Vol. 2, 1810; Act, Oct. 1665, pp. 220-221.*

ffort and be captain of the same *have enacted, and it is hereby enacted* that the souldiers that attend the governor att generall courts be ordered to keepe the ffort, those courts excepted where a single centinell will be sufficient, and that the captain of the guard have the command of the ffort and receive a fitting annuall satisfaction for the same, And that the souldiers likewise have a competent addition to their former pay, And it is further enacted that noe tobaccoes for these occasions be levied this year.

Who to garri-
son the fort.

ACT X.

An act preparatory to a stint or cessation.

Purvis 157, &
Edit 1733 and
1752

WHEREAS it hath beene the constant endeavour of the governour, councell and assembly those three yeares to introduce a stint or cessation or any other probable meanes of repaying the present ruinous condition of this country, occasioned by the meane and inconsiderable value of our present only staple comodity tobacco, from which wee have beene hitherto diverted by the continued aversenesse of the *Marylanders* though earnestly solicited to comply with us in any way, and the seameing impossibility of satisfying the debts due to the merchants, who though frequent inviters of us to lessen the quantity of tobacco have never offered the least proposall of the abatement of any the least parte of their debts which wee might justly expect from them in consideration of their soe certaine a gaine by the advancement of a price in case of a stint or cessation, yet that it may by ourselves (since our neighbours in Marryland refuse their concurrence) evidence to the uttermost of our power, our readinesse to obey his majesties royall commands laid upon us to that effect; and to testifie to the whole world our willingnesse to comply with the merchants in dischargeing our owne obligations to them which cannot well be performed in tobacco if the quantity be lessened by our endeavours to direct our labours to other more advantageous employments; and that we may the better induce the inhabitants of this country to embrace and promote those staple comodities hereafter

Reasons for
lessening the
quantity of to-
bacco in order
to improve its
quality & price

Edit. 1752.

An act for Law Bookes.

Purvis 133 and edit. 1733.

Lawbooks iz Satu's at large Dalton's justice, & sheriff, & Swinburne on wills, to be imported for the use of the gen. court and assembly.

The like for the counties.

WHEREAS for the better conformity of the proceedings of the courts of this country to the lawes of England, it appeares necessary for their better direction therein, all the former statutes at large and those made since the beginning of the raigne of his sacred majestic that now is and a few other approved bookes of law should be purchased, *It is therefore by this grand assembly and the authority thereof enacted accordingly* that all the aforesaid statute bookes, and Daltons justice of the peace, and office of a sherriffe, and Swinburnes book of Wills and Testaments may be sent for by the auditor for the use of the generall courts and assembly, to be kept at James Citty, and paid for out of the two shillings per hogshhead; and that the like hookes be sent for by some of the commissioners of the severall county courts for the use of the respective counties, and paid for out of the county levy.

ACT XXI.

*An act against refractory Souldiers.**

Fines on militia-men fail'g to attend musters.

How levied, by distress.

WHEREAS the officers of the militia have complained that divers refractory persons have in contempt of the authority impowring them, and to the ruyne of all military discipline refused to appeare upon the dayes of exercise and other times when required to attend upon the publique service, *It is enacted by this grand assembly that every person soe neglecting to appeare, shall for every such neglect be amerced and fined one hundred pounds of tobacco to be disposed of* by the militia to the use of the regiment, and that the commanders returne of such fines to the sherriffe of the respective counties shall be a sufficient warrant (in

Various Readings.

* The title of this act in Purvis, and *Ch. City* and *P. Rand MSS.* and edit. 1733 and 1752, is, 'An act imposing fines on refractory persons,'; and it is there numbered XXIII.

382. Va.—*Grand Assembly, James City; Laws, W. Hening, Vol. 2, 1810; Act, Oct. 1666, pp. 246-247.*

case of the parties deniall of payment) to levy the same by distresse. *Provided* that if before the laying of the levy the party amerced doe shew to his commander such cause of his absence as by the said commander shalbe judged reasonable, then the party to be excused and the fine not returned.

How excused

ACT XXII.

*An act for Sherriffes and bayles.**

WHEREAS the 46th (a) act for sherriffes to take bayle was misprinted and some words left out, *It is enacted* that for prevention of mistakes in courts of judicature a copy be transcribed out of the orriginall for correction of the error in the printed booke, which followeth: " Be it also hereby enacted that all sherriffes shall take sufficient bayle of all persons arrested, with this condition to bring forth the party arrested or performe the award of the court, and if the sherriffe shall neglect to take sufficient bayle of the party arrested, or otherwise consent to be the cause of his escape, then the said sherriffe shall be lyable to pay the award of the court himselfe, and shall alsoe pay in case the consent to the escape be proved one thousand pounds of tobacco, halfe to the publique, and other halfe to the party greived for his

[See an. p 79, same law, correctly transcribed]

Sheriff to take bail on arrests

Consequence of failure or permitting an escape.

Various Readings:

* In Purvis, and Ch. City and P. Rand. MSS. the title of this act, is, 'An act for the better explanation of the 16th act in the printed book;' in the editions of 1733 and 1752, the 46th act, which is the act alluded to. See ante pa. 79.

(a) '16th' in Purvis, and Ch. City and P. Rand. MSS. but a mistake. It appears obvious that the errors which had crept into the revised acts of March 1661-2 which were printed in London, long before the publication of Purvis, (see note to pa. 164, 165) were transferred into Purvis, without any new examination of the originals; whereas the acts contained in the Northb. MS. were more correctly transcribed in the first instance. By comparing the 46th act of March 1661-2, as contained in Purvis, with the same act in the Northb. MS. and this collection, it will be seen, that the very omissions here spoken of in the *printed* act, do not exist in the Northb. MS.

Grand Assemblée

HELD AT JAMES CITY

Sir W. Berkeley, governor.
BY PROROGATION FROM THE ONE AND TWENTIETH
DAY OF SEPTEMBER, IN THE YEARE OF OUR LORD
1674, TO THE SEAVENTH DAY OF MARCH, IN
THE EIGHT AND TWENTIETH YEARE OF
THE REIGNE OF OUR SOVERAIGNE
LORD CHARLES THE SECOND.

ACT I.

See also original
p. 327

Purvis 196 and
Edi. 1733 and
1752.
*An act for the safeguard and defence of the country
against the Indians.*

Preamble.

WHEREAS this grand assembly hath taken into
sad and serious consideration the sundry mur-
thers, rapine and many depredations lately comitted
and done by Indians on the inhabitants of this coun-
try, and the greate danger the sfrontier counties are
exposed to by the srequent incursions of Indians, for
prevention whereof; and discovering the murderers,

Various Readings.

* The commencement of the acts of this session taken from the
Ch. City & P. Rand. MSS. which agree verbatim—In the editions of
1733 & 1752, it is, ‘ At a GRAND ASSEMBLY held at James City,
‘ by prorogation from the twenty-first day of Septem. 1674, to the se-
‘ venth day of March, 1675 in the twenty eighth year of the reign of
‘ our sovereign lord king Charles II.’—In the Northumberland MS.
‘ Att a Grand Assembly holden at James City the 7th of March
‘ 1675 Annoq. Regni Rs Caroli sedi 27th.’—In Purvis. ‘ At a Grand
‘ Assembly held at James City the 7th day of March 1675-6 ’—
That this was a session of March 1675-6, appears probable from
the weight of authority, and from the date of the reign of the king,
as mentioned in the *Ch. City and P Rand. MS.* and in the editions
of 1733 and 1752; all of which state it to have been in the 28th
year; whereas the session 1674, was in the 26th, from which it
would seem that no assembly was held in 1675.

379. Va.—*Grand Assembly, James City; Laws, Vol. 2, W. Hening, 1810;*
Act, 21 Sept. 1674-7 Mar. 1675, pp. 326-336.

ayders and abettors for a full and effectuell satisfaction to be taken for them and the future security of the country, *Be it enacted and ordained by the governour, councill and burgesses of this grand assembly and the authority thereof*, that a warr be declared and effectually prosecuted against all such Indians who are notoriously knowne or shalbe discovered to have comitted the murthers, rapins and depredations aforesaid, their funteers, (a) ayders and abettors, and against all other suspected Indians who shall refuse to deliver us such sufficient hostages, or other security for their fidelity and good affection to the English as shalbe required, and that shall refuse to be ayding and assisting us in discovering, persueing, and distroying those our enemies, *And further be it enacted by the authority aforesaid*, that the charge of this warr be susteyned by the whole country. And whereas it is considered wee are to warr with an enemy whose retirements are not easily discovered to us, soe that a fflying army may not be soe usefull at present, *Bee it therefore further enacted by the authority aforesaid*, that five hundred men (aquarter part whereof may be horsemen) be drawne out of the midland and most secure parts of the country be entred into standing pay and placed on the heads of the rivers and other places fronting upon the enemy, and garrisons of certaine fforts and places hereafter named (that is to say) thirty fflower men out of Northumberland county, twenty five men out of Lancaster county, and twenty five men out of Middlesex (b) county be garrisoned at one ffort or place of defence on Potomack river at or neare John Mathews in the county of Stafford, of which ffort captain Peter Knight to be captain or cheife comander; one hundred and eleven men out of Glocester county to be garrisoned at one ffort or place of defence at or neare the ffalls of Rapahanack river, of which ffort major Lawrence Smith to be captain or cheife comander, eleaven men out of Glocester county aforesaid and forty one men

War declared against the Indians.

Charge of war to be borne by whole country

Num. of army

Where stationed.

From what c'nties drawn; & who to command them.

Various Readings.

* The running title of the acts of this session in edi. 1733 & 1752 is, 'Anno vicessimo octavo CAROLI secundi regis.'

(a) 'Fautors' in *Gh. City* and *P. Rand.* MS.

(b) This is the first time *Middlesex* county has been mentioned.

out of the lower parts of New Kent county to be garrisoned at one ffort or place of defence betweene Yerburies house and Chickahominy Indian Towne Landing on Mattapony river, whereof Coll. Will. Claighborne, junr. be captain or cheife comander; sixty one men out of Yorke county to be garrisoned at one ffort or defensible place at or neare Mahixon upon Pomunkie river, of which ffort major George Lyddall be captain or comander in cheife; fifty five men out of James City county to be garrisoned neare the ffalls of James River, at captain Byrds or at one ffort or place of defence over against him at *Newletts (a)* of which ffort leut. coll. Edward Ramsay be captaine or cheife comander; nineteene men out of Warwick county, nineteene men out of Elizabeth City county, and nineteene men out of Charles City county to be garrisoned neare the ffalls of Appamatuk river, at major generall Woods, or over against him at one ffort or defensible place at *ffleets*, of which ffort major Peter Jones be captain or cheife comander, fferty men in the county of Surry to be garrisoned at one ffort or defenceable place neare Richard Atkins upon the *black water* in the same county of Surry, of which ffort captain Roger Potter to be captain or cheife comander; fferty men out of the countyes of the Isle of Wight, Nanzemond and Lower Norfolke to be garrisoned at *Currawaugh* alias *New Dursly* in the head of Nanzemond, in a ffort or defensible place there, of which ffort capt. Edward Wiggins to be captain or cheife comander; And that one ffort or place of defence be betweene John Reddings and Pocamoke river, in the county of Accomack, or else where in that county, at the choice of the militia officers of those two countyes of Accomack and Northampton to be guarded by such horse and floote as they shall find needfull to be paid (when upon service) as those of the rest of the countyes, *And be it further enacted by the authority aforesaid*, that the ammunition for the aforesaid fforts or places of defence be thus proportioned, vizt. to the ffort in Potomack and in Stafford county, three hundred sixty six pounds of powder, and one thousand ninety eight pounds of

Apportionm't
of ammunition

Various Readings.

(a) 'Howlett's' in *Ch. City* and *P. Rand.* MS.

shott; to the ffort at the ffalls of Rappahanock ffower hundred and eighty pounds of powder and fforeteene hundred fforty three pounds of shott; to the ffort on Mattapony two hundred twenty eight pounds of powder, and six hundred eighty fower pounds of shott; to the ffort in Pamunki river two hundred and seaventy pounds of powder, and eight hundred and ten pounds of shott; to the ffort at the ffalls of James river, two hundred and fforty pounds of powder, and seaven hundred and twenty pounds of shott; to the ffort on Appamatock river two hundred fforty three pounds of powder, and seaven hundred twenty nine pounds of shott; to the ffort on the Black water, in Surry county, one hundred and eighty pounds of powder, and ffive hundred and fforty pounds of shott; to the ffort at New Dursley alias Currawaugh, one hundred and eighty pounds of powder, and ffive hundred and fforty pounds of shott; which said ammunition is to be and remaine as a magazeen in the severall fforts to be discreetly and orderly distributed by the captaine or comandars respectively, *And be it further enacted by the authority aforesaid*, that those countyes afore recyted, which send men to the fforts, send armes with them and provisions, that is to say, five bushells of shelled corne and sixty pounds of porke, or eighty pounds of beefe per head for fowre months, and soe from fowre months to fowre months provide duly, one month before every fower monthis expire, with necessary utensills to dresse their victualls in, alsoe with axes, hoes, spades, sawes, wedges, and nailes what occasion requires, And that the capt. of every ffort be authorized to presse any other necessaryes which shall be needfull for the use of his ffort, that a Chirurghion be provided for every fforte, and that the collectors provide a convenient quantity of medicines and salves, &c. vizt. to the value of ffive pounds sterling for every hundred men, paying it out of the collection of two shillings per hogshhead. And that these persons hereafter named, vizt. Coll. St. Leger Codd and major Thomas Brereton, or either of them in the county of Northumberland; coll. William Ball and leut. coll. John Carter, or either of them in the county of Lancaster; coll. Xpher Wormely and major John Burnham or one of them in Middlesex county,

Magazine.

Men to carry provisions and tools with them, for four months.

Power of impressment.

Surgeons, medicines, &c. to be provided.

Persons empowered to impress men and horses.

coll. Francis Willis, and coll. Phillip Ludwell, Esqrs. or one of them in Gloucester county ; coll. Robert Abraham and coll. John West, or one of them in the county of New Kent ; coll. Nathaniel Bacon, Esqr. and major John Page, or one of them in Yorke county ; Lt. coll. Edward Ramsey, major William White, and capt. Hubert Farrell, or either of them in James City county ; coll. Pritchard, leut. coll. Cole, and major Thomas Cary, or either of them in Warwick county ; Lt. coll. Charles Morrison and captaine Anthony Armested, or one of them in Elizabeth City county ; Lt. coll. Edward Hill and capt. Nicholas Wyatt or one of them in Charles City county ; coll. Thomas Swan and leut. coll. George Jordan, or one of them in Surry County, coll. Joseph Bridger, Esqr. coll. John George and major James Powell, or either of them in Isle of Wight county ; coll. Thomas Godwin, Lt. coll. John Lear and major Thomas Millner, or either of them in Nanzemond county ; coll. Lemuell Mason and major Francis Sawyer, or one of them in Lower Norfolk, and the officers of the militia in the countyes of Accomack and Northampton if need be, for the fforts, there be commissioned by vertue hereof to issue forth their warrants directed to some discreet person or persons in their respective countyes, to make choise of the men and horse before lymitted in their countyes to be raised for their respective fforts aforesaid, and to impresse and provide the proportion of provisions and other necessaryes before alsoe recyted, and alsoe to take the care and charge of impressing sloopes, boates or other conveniencye of carriage to convey to all the respective fforts, whereunto they are designed, and that the county courts certifie the deserveings of those persons soe employed to the assembly where those accounts are to passe. *And it is further enacted by the authority aforesaid,* that the afore recyted commissioners, alsoe coll. William Farrer and leut. coll. Francis Epes or one of them in Henrico County, coll. Nich Spencer and lt. coll. John Washington, or one of them in Westmerland county, coll. William Traverse and capt. Thomas Hawkins or one of them in Rapahannock county, coll. George Mason and Mr. James Austin or one of them in Stafford county be further comissionated when occasion shalbe to use Indians in the warre

Additional commissioners, to employ the Indians and give them rewards

and require and receive hostages from them, alsoe to provide one hundred yards of tradeing cloath to each respective ffort, that it be ready to reward the service of Indians, as hereafter in and by this act shall be provided. *And be it further enacted by the authority aforesaid,* that every footeman in standing pay be allowed after the rate of ffifteene hundred pounds of tobacco and caske per yeare, and every horseman for himselfe and horse after the rate of two thousand pounds of tobacco and caske; that capt. pay be six hundred pounds of tobacco and caske per month, a leutenants pay fowr hundred pounds of tobacco and caske per month, ensignes three hundred pounds of tobacco and caske the month, serjeants two hundred and ffifty, corporalls and drummers each one hundred and ffifty pounds of tobacco and caske the month soe long as they shall continue in service, together with all advantages allowed by the law of armes. And further, that due consideration shalbe had by the grand assembly of the indigent ffamilies of such as happen to be slaine, and of the persons and ffamilies of those who shalbe maimed and disabled in this warr. And if any horse shalbe killed or dye by reason of the service, the owner thereof shall be paid for itt; And for the better discovery of the enemies approaches, bee it further enacted by the authority aforesaid, that the horsemen in every garrison be commanded to range constantly betweene the garrisons till they meete if possible, that a constant intelligence be maintained betweene them, And the foote to be in action at the discretion of the commanders, for securing the adjacent plantations, And that fowre Indians and noe more be admitted to belong to each ffort, and they rewarded with matchcoates for service. *And it is further enacted by the governour, councell and burgesses of this grand assembly, and the authority of the same,* that the principal comander or commanders of the counties adjacent to the respective fforts doe forthwith, after publication hereof, take an exact lyst of the remaining ffoces of their counties, who are to be ready on all occasions to enter into pay, and march to the releife of the fforts, or other occasions as the emergeing of the service shall require, and as they shall from tyme to tyme be commanded by the governour, or such cheife commanders as he shall nomi-

Pay to footmen and horsemen.

Captains.

Lieutenants.

Ensigns.

Serjeants;

Corporals' and drummers'

Provision for the fam lies of those slain.

Owner of horses killed or dying to be paid.

Duty of horsemen.

Forces of each county to be enrolled.

How to be employed in case of sudden invasion,

Enemy not to be attacked with't orders from the gov'r

Premiums to Indians to engage in war.

3 matchcoats every live prisoner, and one for the head of every I killed.

Artic's of war to be adopted.

nate and instruct to that end, And farther, if it shall happen any attempts to be made upon any ffort or plantation of ours by the Indians, that some comander besides the county comander before mentioned be by the honourable governour appointed in the parts adjacent to every ffort, who shall be authorized with the fforces before mentioned to be raysed, not only to relieve and secure the fforts, plantations and inhabitants from the incursions and sudden assaults of the enemies, but alsoe if oppertunity present, pursue, follow and flight them. And if any discovery shalbe made of any ffort, habitation or number of the enemy settled or fortified, that an account thereof be forthwith sent to the governour, and that noe attempt be made upon them by any comander whatsoever untill order shall come from the governour; and least any suddaine advantage or opportunity of attacquing the enemy be lost, that the governours honour be pleased to nominate a cheife comander over the whole armye to reside neare some of the fforts. And whereas coll. George Mason exhibited to this grand assembly a certaine agreement by him made with certaine Indians. vizt. that the young men shall goe in search of all murderers, and all other Indians enemies to the English, to be paid three matchcoates for every prisoner they bring in a live, and one matchcoate for the head of every one they kill; *Bee it enacted by the authority aforesaid*, that the said agreement shall be well and truly observed on our parts, and that those comissioners here before in this act named to take hostages may make the like agreement (if they can) with all other the neighboring Indians who shall be paid accordingly out of the store provided in the respective fforts as in and by this act before is mentioned; and to prevent disorder and lycentiousnesse whereunto armies are too much inclyned where good discipline is not observed. *Bee it enacted by the authority aforesaid*, that certaine articles rules and orders (being in number twenty six) to be observed and kept by the armye as well in garrison as in ffield, and are hereunto annexed be put in execution; and that any captaine of a ffort or other subordinate officer commanding a party be impowred to punish any the offences therein mentioned upon any of his or their company offending not extending to life or

member, but that capitall and greate crimes be adjudged at a councell of warr; *And it is further enacted* that in goeing to churches and courts in those tymes of danger, all people be enjoyned and required to goe armed for their greate security, And for the abatement of the excessive charge, which upon our preparation for warr will unavoydable follow, that it may please the right honourable the governour, if by the timely victory over the enemy (through Gods assistanse, or manifest peace with them or otherwise it shall be thought fitt) to call in all or soe many of the forces now entring into pay as to him shall seeme convenient, that soe much as can be of the cuntryes ammunition and provisions may be spared, and the almost insupportable charge abated

Armsto be carried to church.

rPower of the gover. to disband the army

And be it further enacted by the authority aforesaid, that if at any tyme durence this warr any thing should fall out not in this act suffitiently provided for, that then, and in such cases, the honourable governour with such of the councell as he shall call unto him be, and hereby are requested to doe, act, and command such further thing and things as to him and them shall seeme most convenient and as necessity shall require.

Gov. & council may supply defects of the law

And finally whereas the successe of all humane actions depend upon the good pleasure of Almighty God, that wee humbly implore the divine assistance and blessing upon our endeavours in this warr, *Bee it enacted* that the last ffrydayes in Aprill and May next be sett a part as dayes of publike ffasting and humiliation, to be duly and sincerely solemnized throughout this country.

Fast days appointed.

The Articles, rules and orders to be observed and kept by the army as well in the severall garrisons as in the ffield, are as followeth :

Artic's of war [From C City and P. Rand. MS.]

IF any shall blaspheme the name of God, either drunke or sober, shall for every offence runne the gantlett through one hundred men or thereabouts, either more or less, at the discretion of the commander, but he or they that shall willfully, notoriously and obstinately persist in this wickedness, shall be bored through the tongue with a hott iron.

For blaspheming the name of God, to run the gauntlet; and for obstinately persist'g, to be bored thro' the tongue with a hot iron.

The same punishment for deriding God's word or sacrament.
For swearing, or gett'g drunk, to ride the wooden horse, &c.

2. If any person or persons in the army shall deride or contemne Gods word or sacraments, they shall suffer and undergo the aforesaid punishment.

3. If any man shall offend Gods name by swearing or notorious drunkenness, and shall be thereof thrice convicted by his officer, and shall still obstinately persist therein, he shall after the third offence, and for every such offence afterwards ride the wooden horse half an hour with a musket tyed at each foote, and ask forgiveness at the next meeting for prayer or preaching.

Prayers to be read every morning & evening; penalty for not attending.

4. That publique prayers be duely read in the feilde or garrison every morning and evening, and he that shall upon the call of the drumm or other notice by order of the commander given, refuse or neglect to repair to the said place of prayer, preaching or reading of homiles or sermons shall be punished at the discretion of the commander.

Silence to be kept.

5. That the commanders of the officers may be the better understood, that silence be kept whilst they are marching in the feilds, and at the encamping and in garrison after the tartooes have gone about, upon the penaltie to be laid neck and heels during the space of one hour for every such offence.

Obedience to officers.

6. That all officers and souldiers be obedient to the commander in cheife and the officers next under him, in whatsoever they shall command for the service of the king.

Punishm't for disobedience.

7. Whosoever behaves not himselfe obediently to the commander in cheife, &c. as aforesaid, shall have such punishment layd upon him as they shall think fitt, according as the person and fact is.

For discrediting an officer.

8. If any shall offer to discredit these officers aforesaid, either by word or otherwise, and not be able to make good proof of it, shall be punished with greivous punishment at the discretion of the councill of warr.

Death to lift up arms against an officer.
For strik'g an officer to lose the right hand

9. Whosoever shall offer to lift up any manner of armes against the officers aforesaid, with an intent to hurt them shall be punished with death.

10. If any offers to strike them with his hand, whether he hitt or misse, he shall loose his right hand.

Punishm't for refus'g obedience to a superior officer.

11. If any souldier or officer serving either on horse back or foote shall offer any wrong, either in word or deed unto his superior officer, or shall refuse any duty

comanded him tending to his majesties service he shall be punished according to the importance of the fact.

12. If any shall do any hurt to them either in ffield or not, hee shall be shott to death.

Death to injure an officer

13. He that shall draw his sword in any strength or ffort to do mischeife therewith, after the watch is sett, shall be punished with death.

Death to draw a sword in wrath

14. That noe man shall hinder the marshall or other officer in executing his office in punishing offenders upon paine of death.

Death to hinder marshall or other officer, from inflicting punishment.

15. That noe souldier shall refuse to worke in any strength or fortification, or any place whatsoever, where he shall be commanded for his majesties service, upon pain of punishment.

Punishment for refusg to work in a fortification.

16. And whosoever shall doe his majesties service slightly or lazily, shall first ride the wooden horse, and for the second offence ride the wooden horse and be restrained with bread and water, according as the fact shall be adjudged more or lesse haynous.

For refusing to do service, to ride the wooden horse, &c.

17. All officers shall diligently see the souldiers ply their worke when they are commanded soe to doe, and hee that neglects his duty shall be punished att the discretion of the court martiall.

Officers to see that the men do their duty.

18. No man shall presume to make an allarme in the campe or quarters, or shoote off his muskett in the night time upon pain of death.

Death to make alarm in camp or to shoot in the night.

19. Hee that when warning is given for the setting of the watch, upon the call of the drum and trumpett, shall wilfully absent himselfe without lawfull excuse, shall be punished with the wooden horse, or some other pennance, at the discretion of the comander, as the importance of the fact is.

For being absent at setting of the watch, punishable by riding wooden horse, &c.

20. Hee that is taken asleepe upon the watch, either in any strength, trench or the like, shall be shott to death.

Death, to be found asleepe on post.

21. Hee that shall be drunke upon the watch or place of centinell shall be shott to death.

Also to be drunk.

22. Whosoever runs from his colours, and doth not defend them to the utmost of his power soe long as they are in danger, shall suffer death.

Also to desert colors.

23. Hee that runs from his colours in the ffield shall dye for it, and if any of his commanders or comrades shall kill him in the mean time, he shall be free.

And may be shot.

Death to give intelligence to the enemy.

Mutiny defin'd and punished.

Punishm't for embezzling arms, &c.

24. If any English or Indian shall give private intelligence to the enemy hee shall suffer death.

25. Every one that shall not be content with such provision and quarters as shall be provided for him, either in the campe or garrison, shall be accounted a mutineere, and punished accordingly.

26. Hee that sells, pawnes or imbezells his armes, or any ammunition whatsoever, or any axes, spades, shovells, &c. or other necessary instruments, shall for the first and second fault runne the gantlett att the discretion of the commander, and for the third be punished as for theft.

ACT II.

Purvis 196 and Edi 1733 and 1752. Preamble.

An act prohibiting trade with Indians.

Death to sell arms or ammunition to Indians.

WHEREAS the country by sad experience have found that the traders with Indians by their avirice have soe armed the Indians with powder, shott and gunns, that they have beene thereby imbolned, not only to fall upon the ffronteer plantations murdered many of our people and allarmed the whole country, but to throw us into a chargeable and most dangerous warr, and though good lawes have been made for prohibiting the tradeing with Indians for armes and ammunition, yet greate quantities have beene yearly vended amongst them, for prevention whereof for the future, *Be it enacted and ordeyned, by the governour, councell and burgesses of this grand assembly, and by the authority of the same,* that if any person or persons whatsoever within this colony from and after tenn days after this present session of assembly shall presume to trade, truck, barter, sell or utter, directly or indirectly, to or with any Indian any powder, shott or armes, except only such as in, and by one proviso hereafter in this act to be appoynted and be thereof lawfully convicted shall suffer death without benefitt of clergye, and shall forfeite his or their whole estates, any act, law, usage or custome in any wise to the contrary notwithstanding, the one halfe of which forfeiture to the use of the publique, the other halfe to the informer. *And be it further enacted by the authority aforesaid, that*

*AT A

Grand Assemblée,

Sir W. Berkeley, governor.

HOLDEN AT JAMES CITTIE

THE FIFTH DAY OF JUNE 1676; IN THE EIGHT AND
TWENTIETH YEARE OF THE REIGNE OF OUR SOVE-
RAIGNE LORD KING CHARLES THE SECOND.

See also original
pp. 343, 345, 347

ACT I.

All the acts & orders of this Assembly repealed by proclamation and also by the 4th act of the succeeding assembly.

An act for carrying on a warre against the barbarous Indians.

Edit. 1733 and 1752.

WHEREAS the many outrages, cruell murders, and violent incursions dayly committed perpetrated and made by the barbarous Indians in divers places of this country, hath inevitably drawne us upon a necessity of declaring warr against them, and of prosecuting the same as wee hope by Gods blessing may

War declared against Indian enemies.

Various Readings.

* The commencement and acts of this session chiefly taken from the *P. Rand. MS.*—In the edi. 1733 and 1752, the commencement is, 'At a GRAND ASSEMBLY, begun and holden at James City the fifth day of June 1676; in the twenty eighth year of the reign of our sovereign lord Charles II. of England, Scotland, and Ireland, king, defender of the faith, &c.'

¶ The Editor has now the pleasure of laying before the public an entire collection of the laws, passed at an assembly held during a period which has generally been denominated *Bacon's Rebellion*. All these laws having been repealed by the king's instructions and proclamation, and also by the 4th act of the succeeding session, held at *Green Spring*, in February 1676-7, (see note at the end of the acts of this session,) the titles only were preserved in the editions of 1733 & 1752. In the Northumberland MS. which in other respects is in excellent preservation, all the acts of this session are torn out except two leaves, containing part of the first act: in the *Ch. City MS.* only part of them are torn out; but in the *P. Rand. MS.* they are preserved entire.

It appears from two ancient MSS. published in the *Enquirer*, vol. 1, No. 34, 35, 36 and 37, as well as from the subject matter of the laws of this session, that the character of this transaction is enti-

380. Va.—*Grand Assembly, James City; Laws, W. Hening, Vol. 2, 1810; Act, June 5, 1676, pp. 341-350.*

The innocent
not to be invol-
ved with the
guilty.

What acts con-
stitute Indians
enemies.

be effectually, but forasmuch as wee are not altogether satisfied that all Indians are combined against us, and are our enemies, and that wee are taught as well by the rules of our sacred religion, as those of humanitie, that we ought not to involve the inndcent with the guiltie. *It is thought fit that it be enacted, and it is by the governour, councell and burgeses of this grand assembly, and by the authoritie thereof enacted and orduined in manner and forme as followeth, vizt.* That all such Indians shall be accounted and prosecuted as enemies that either already have, or hereafter shall forsake theire usuall and accustomed dwelling townes without licence obtained first from the honourable governour or grand assembly, or such person or persons as the governour shall thereto commissionate, as alsoe all such Indians as shall refuse upon demand to deliver up into the hands of the English all such armes and ammunition of what kind or nature soever (bowes and arrows onely excepted) and alsoe to deliver such hostages as shall from time to time be required of them by the

Various Readings.

tled to a very different appellation from that which had been given to it by the English historians; and that *Bacon*, instead of deserving the epiheto *rebel* was, in truth, a *patriot*. It is impossible to read the acts of this session without perceiving that the people were groaning under the oppressions of the government. Act V, "For regulating officers and offices," will shew that great abuses had crept into the administration; and that many innovations, in practice, had been made on the ancient laws. By act 7, the people were restored to that universal right of suffrage, to which they had been accustomed from the first settlement of the country, with a small interruption only, (see vol 1, index titles '*Burgesses*,' '*Elections*') and of which they had been deprived, by the 3d act of October, 1670 ante pa 280. The 12th act subjects members of the council and ministers to the payment of levies or taxes, from which they had long been exempted.

A repetition of abuses such as those of which *Bacon* and his adherents complained and an accumulation of oppressive acts on the part of the British government, without doubt, produced the American revolution. and it is somewhat remarkable that precisely at the expiration of a century, from the time of *Bacon's* opposition, the people of Virginia in convention, unanimously proclaimed the idea of American Independence;—the celebrated resolution, instructing the Delegates in Congress from Virginia, to declare the colonies free and independent having been passed on the 15th of June, 1776, and the assembly under *Bacon's* influence, having been held in June 1676. [See the Resolution of the Convention of Virginia instructing their Representatives in Congress to propose a Declaration of Independence, ante vol. 1, pa. 7.]

right honourable the governour or such other person or persons as he shall commissionate to that purpose, or that refuse or neglect to send such of their Indians with the English as shall be required of them, either by the grand assembly, the right honourable the governour, or by any commander or commanders in cheife who are or shall be by the governour commissioned, as alsoe such Indians as at present are our reputed friends who shall receive and entertaine into their townes, cabbins or forts, any Indian or Indians our present enemies, or Indians that shall hereafter become our enemies, or any strange Indian who doe not properly belong to their said townes, and shall not immediately upon their said comeing in amongst them seaze the said Indians, and deliver them up to the English, or kill or destroy them, *provided* they may be reasonable supposed to be of force and strength enough to doe the same, in which case onely they shall excuse themselves and bee deemed in peace with us by their immediate giving notice of such Indians being amongst them to the cheife officer or officers of the militia, or some justice of the peace dwelling or residing next to them, and alsoe all such Indians who shall be knowne directly or indirectly to hold commerce or conversation with our knowne enemies, and to the intent wee may the better discover what strange Indians or other enemy Indians come amongst our neighbours, the neerest commission officer or officers to any Indian towne of the militia are hereby required to take a particular list or account by name and number of all and every Indian therein inhabiting, and the Indians of any towne who shall refuse to give an account, or that shall not give a true and just account by name and number as aforesaid, shall be held and prosecuted as enemies as aforesaid, against all and singular the before recited Indians, their and every of their ayders, assistants, comforters and abettors, actuall warr and open hostilitie, is by the authoritie aforesaid, hereby pronounced and declared. *And it is further enacted by the same authority*, that the number of one thousand men whereof the one eighth part to the horsemen and dragoones bee forthwith raised in order to the prosecuting this Indian warr, and drawne forth out of these respective counties hereafter named, vizt. thirty one men out of Henrico countie, fifty four men out of

War declared against all such.

Army to be raised of 1000 men.

From what counties.

Charles Citty county, fifty four men out of Lower Norfolke, six and twentie men out of Elizabeth Citty county, thirty four men out of Warwick county, eighty men out of York county, one hundred and eight men out of New Kent County, one hundred and forty men out of Gloucester countie, sixty three men out of Rapahannack county, thirty six men out of Middlesex county, thirty four men out of Lancaster countie, twenty nine men out of Stafford county, forty five men out of Westmoreland county, forty nine men out of Northumberland county, sixty men out of Nanze-mund county, sixty eight men out of James Citty county, thirty two men out of Surry countie, fifty seaven men out of the Isle of Wight county, all which souldiers raised as aforesaid are to be maintained with provisions and paid their wages in and by their respective counties, at their said counties perticular charge, and that each county doeth and by vertue hereof is required to furnish its perticular soldiers with two pounds of powder and six pounds of shott a man with good and well fixt guns and other armes for the present, and for what ammunition more shall be wanting that it be provided by and at the charge of the publique, and that the counties of Northampton and Accomack beare their proportion of this publique charge. *And be it further enacted*, that every of the respective counties that send forth men as aforesaid doe provide for each man by them sent out, at least one pound of biscake bread, and one halfe pound of good dried beefe, bacon or cheese for a day, and soe to provide two months provision for their first going out, and convey the same together with their men armes, and amunition aforesaid to the place, and by the time to be prefixt by the generall, alsoe to provide for every four and twentye men two oxen or steers of six yeares old at least, and one baggage horse, or otherwise three baggage horses, which said steeres and horses are to be for the use of the marching armies, and for the better carriage of the provisions; that ropes, baggs and pannells be provided for leading the said oxen or steeres, and for the use of the baggage horses, and that at least twenty dayes before every two months expire other two months provision be provided, and soe during the time of this warr, and that the justices, burges-

Soldiers to be paid & provision'd by their respective counties.

Ammunition and arms.

Accomack & Northampton

Provisions.

Baggage horses, or oxen.

Supply of provisions, how secured.

ges and militia officers of each county be, and hereby are appointed, impowered and required to raise the said men in the respective counties, and to provide the provision, carriage and necessaries aforesaid, and to take care that all the said men, ammuniti^{on}, provision and other necessaries bee made ready and conveyed to the place to be appointed by the cheife commander as aforesaid by the tenth day of July next. *And be it further enacted by the authority aforesaid*, that the persons appointed, impowered and required as aforesaid, or any of them that shall be delinquent in their dutie herein and by this act imposed upon them, shall for every soldier not fitted out as this law requires be fined and amerced one thousand pounds of tobacco, and the sherriff of countye immediately upon notice of this act given by any of the burgesses bee strictly required, and hereby is enjoyned to summon the gentlemen by this act appointed (to raise men and to provide the necessaries, &c.) to meete at their respective court-houses, to the end they may take care for the raising the men, and provideing the ammuniti^{on}, provision and other necessaries in and by this act, provided to be raised, and had in their respective counties, and the sherriff faileing upon notice as aforesaid to performe his dutie therein, twenty thousand pounds of tobacco, and every justice, burgess or militia officer required as aforesaid, that shall after summons given by the sherriffe as aforesaid faile to meete and assist at, and in raising the men and provideing the necessaries afore recited in their counties to be raised and provided, shall be fined two thousand pounds of tobacco, which said fines shall be paid to the use of the respective counties, wherein those, or any of those offences shall happen to be committed, and the right honourable the governour is hereby humbly desired if there shall bee occasion for more men then the thousand before limitted, that his honour cause them to be raised and provided for at the publike charge of the country. *And for encouragement to the soldiers, be it further enacted by the authority aforesaid*, that footmen be allowed each of them one thousand five hundred pounds of tobacco a yeare, and after that proportion for the time they shall continue in service, and horsemen two thousand two hundred and fiftie pounds of tobacco.

How men, provisions &c. to be raised and furnished.

Pen'ty for neglect.

Duty of sherriffs.

Pen'ty for neglect by sherriffs and others.

Addit'nal men raised.

Privates' pay.

co a yeare, and after that rate for the time they shall continue on service, if he ride his owne horse and use his owne armes and furniture, otherwise to be allowed noe more then the sallary of a foote soldier, and the overplus to be paid the owner of the said horse and armes, and that in lieu of the tobacco herein mentioned for soldiers wages they be allowed tenn shillings for every hundred, or goods to theire likeing, and further that all such soldiers shall this yeare be levie free and have the benefitt of all plunder either Indians or otherwise ; *And bee it further enacted by the authority aforesaid,* that all Indians taken in warr be held and accounted slaves dureing life, and if any differences shall arise in cases about plunder or slaves, the cheife commander of the party takeing such slaves or plunder is to be the sole judge thereof to make equall division as hee shall see fit, and that if any horse or horses be killed in service, or armes lost, the owner or owners of such horse or armes soe lost, shall be satisfied for the same of the publique, hee or they producing a certificate from the cheife commander of the trueth thereof, and that it shall and may bee lawfull for any person commanded to goe forth to the war to quitt his owne person by presenting any other such sufficient able man in his place as his perticuler commander shall approve, be he servant or ffreeman, provided the master of such servant be consenting and the servant willing, the master to have the pay allowed by this act, and the servant the plunder to his owne proper use. *And be it further enacted,* that each cheife commander make choice of and in case of their refusall to impresse two able chirurgions, with sufficient meddicines, and that each chirurgion be allowed four hundred pounds of tobacco a moneth, and if the meddicines be his owne to be paid for them by the publique, together with his wages aforesaid, and that those officers who have their allowance in the counties, and are hereunder mentioned, be paid after these rates, vizt. corporalls and drummers each one hundred and fifty pounds of tobacco per moneth, serjeants two hundred and fifty pounds of tobacco per moneth, ensignes three hundred and fifty pounds of tobacco per moneth, leiftenants four hundred pounds of tobacco per moneth, captains six hundred pounds tobacco per moneth ; corporalls of horse

Other emolu-
m'ts, plunder,
of Indians or
otherwise.

Indians taken
in war, to be
slaves.

Horses killed,
or arms lost,
owner indem-
nified.

Substitutes,
admitted.

Servants, their
privileges.

Surgeons.

Medicines.

Surgeons' pay.

Pay of officers

two hundred pounds tobacco per moneth, cornetts four hundred and fifty pounds of tobacco a moneth, lieuts. six hundred pounds of tobacco per moneth, That the cheife or commander be capt. of the horse, the allowance of the commander or commanders in cheife to be twelve hundred pounds of tobacco per moneth, and to bee paid it by the publike, and whereas it may happen that divers soldiers in this warr may be wounded, maimed, and soe disabled to gett their owne livelihoods, *Bee it further enacted by the authority aforesaid*, that all such soldiers as shall be maimed and disabled in this war as aforesaid shall be maintained by the publike by an annuall pension dureing their lives, and dureing the time of such their disabilitye, *And be it enacted by the authōrity aforesaid*, that the forte in Henrico county commanded by coll. Edward Ramsay, the fortes in New Kent county commanded by coll. William Clayborne and major George Lydall, and the forte in Rappahannack cōuntie commanded by major Lawrence Smith, which was settled or intended to be settled by vertue of a late act of assembly, be forthwith deserted, and that the soldiers to those forts belonging be quartered and disposed in the fronteere plantations for the strengthening and defence of them in such places, as the commanders of the said late fortes and militia officers in those frontiere counties shall appoint, but to be placed as convenient as may bee for their speedy drawing together to oppose the enemye on all occasions, and that their provision, ammunition and other necessities to the said late fortes belonging, be removed to some convenient fortified plantation where good guards are to be left for securing thereof, and that the soldiers soe quartered as aforesaid, be accounted according to the number in behalfe of the counties to which they belong soe many as they shall amount to in part of them in and by this act enjoyned to be raised by those counties onely the one proportion of horsemen now out of any county sent by force of the said late act is to be drawne home, when the number of horse limitted in this act is drawne out and fulfilled. *And be it further enacted* that all counties lying on James River, together with Yorke countie be accounted the southern forces, alsoe that New Kent county with all other counties to the norward of

Pension allowed to wound'd soldiers.

Certain forts discontinued, & the soldiers transferred to the frontiers.

Provisions therein how disposed of.

Soldiers there in accounted part of the quota of their co'ty

Routine of duty

Southern and North'n forces,

Gov'r to ap- point commanders of South- ern & North- ern forces. Yorke river be accounted the northern forces, and that such cheife officers be appointed to command the said southern and northern forces as the right honourable the governour shall commissionate, and that such part of those forces as shall be drawne to march upon the enimie shall be quartered in the most necessarie places for defence of the frontier counties ; *And be it further enacted*, that whatsoever the cheife commander or commanders, or any of them shall finde wanting in the severall armies, whether ammunition, provision, armes, baggage horses, or other necessities whatever, the same shall hereby have full power to impress it and to direct their warrants to any of the officers of the militia or justices of the peace, who are hereby requir- ed to show ready obedience thereunto, and that the charge of whatsoever shall be soe impressed be defrayed by the publique, and forasmuch as it may be neces- sary to use Indians in this warr, *Bee it further en- acted* by the authoritie aforesaid that whatsoever of our neighbouring Indians shall goe forth with the Eng- lish to warr, each man shall be allowed one matchcoate or twenty armes length of roanoake the moneth for their service, and that they shall further be allowed one matchcoate for every prisoner they bring in alive, to be paid them by the publique, and for avoideing disputes in the choice of officers, *Bee it further enact- ed* that in such counties wherein above sixty men shall bee raised, one captain and one lt. one ensigne, two serjeants and two corporalls be made choice of in the said counties, also where above forty men is to be raised, one lt. or ensigne, two serjeants and one cor- porall, and where above thirty men shalbe raised, one lt. or ensigne, one serjeant and one corporall, and that the soldiers for greater encouragement have free liber- tie to nominate theire owne officers, *Provided* they choose them among the militia officers belonging to their own respective counties; and for a further con- stant supply of ammunition, *Bee it further enacted by the authority aforesaid*, that the two associa- tions of James River, and the one fourth part of the association of Yorke river, vizt. Yorke countie be obliged and commanded to furnish the southern forces, and that the remaining three fourth parts of Yorke river association, the association of Rappahan-

Forces, where to be quarter- ed.

Power of im- pressment.

Encouragem't to Indi's to en- gage in the war.

Appointment of officers to the counties.

To be chosen by the soldiers

Proviso.

Ammunition, how supplied.

nack, and association of Potomack be strictly obliged and commanded to furnish the northern forces, each association proportionable according to their respective numbers of men, and that the commissioners of each association doe make diligent enquiry what summes of money remaine in the hands of the severall collectors or treasurers, who are hereby impowered to dispose of it to the uses aforesaid, and that whatsoever shall be found remaining over and above this necessary expence, that the said commissioners of the respective associations, together with the justices, burgeses and commission officers of each county thereunto belonging be impowered to remitt the said money into England by the first convenience, there to be layd out in fitt and necessary armes and ammunition, and with the most convenient and possible speed to be sent in, and by them proportionably distributed to the severall counties belonging to the said associations, there to be and remaine for each perticular counties guard and defence, or sent out upon any expedition when necessitie shall require: *Provided nevertheless* that it shall, and may be lawfull to and for Nathaniell Bacon, junr. Esq. genll. and commander in cheife of the force raised, and to be raised dureing this Indian warr, to raise such number of volunteers for the more expeditious carrying on this warr, as shall freely offer themselves for this service, and as to his the said Nathaniell Bacons wisdome and discretion shall seem most meet, any thing in this act to the contrary thereof in any wise notwithstanding. *Provided alsoe*, that if it shall happen that the number of volunteers raised, or to be raised by the said Nathaniell Bacon, Esq. as aforesaid, shall be by him found suffitient and fully effectuell for the prosecution of this present intended Indian warr in part or in the whole, that then it shall and may be lawfull, and the said Nathaniell Bacon is hereby impowered and authorized to dispense, and for what time convenient he shall in his discretion think meet, suspend the levying and raising of such part or all of the forces, ammunition and provisions intended, and commanded to be raised by this present act, as to his discretion shall seem most meet, he the said Nathaniell Bacon takeing a provident care that such suspension or dispensation bee equitable and proportionable to all

How paid for

Arms & ammunition, how procured from England.

To be distributed to the severall counties.

Nath'l Bacon, jr. commander in chief.

May raise volunteers.

If volunteers sufficient, may dispense with other forces.

counties alike to the number of tytheables of each county, any thing in this present act to the contrary thereof in any wise notwithstanding.

ACT II.

Edi. 1733 and
1752.

An act concerning Indian trade and traders.

Act 2 of Mar.
1675-6 repeal-
ed.

All trade with
Indians prohib-
ited.

Indians serv'g
with English
in war, to be
suppl'd to the
value of their
wages, except
arms and am-
munition.

Not to prevent
friendly Indi-
ans from hunt-
ing or fishing,
within their
own bounds.
No to hinder
trade for corn,
to relieve the
wives & chil-
dren of the In-
dians.

Pen'ty for deal-
ing with Indi-
ans contrary to
this law.

WHEREAS it doth seeme fitt to this grand as-
sembly to take away all collour and pretence of
reviveing the late mischeivous Indian trade, in order
whereunto, *be it enacted and ordained by the gover-
nour, councell and burgesses of this grand assembly and
by the authority of the same,* that the clause in one act
made at a grand assembly on the seaventh of March
last past, which permitted five persons in each county
to trade with the Indians be henceforth repealed and
made voide, and further that all trade and commerce
with Indians is hereby utterly prohibited, and all com-
missions for Indian tradeing whatsoever are hereby
revoaked made null and voide. *Provided nevertheless*
that it shall and may be lawfull that such Indians who
shall serve the English in the warr, and onely such be
supplied to the vallue of their wages and pay for the
takeing prisoners in such necessary things as they shall
want, armes and ammunition wholly excepted, and it is
hereby intended that our neighbour Indian friends bee
not debarred from fishing and hunting within their
owne limmits and bounds, useing bowes and arrowes
onelie. *Provided also* that such neighbour Indian
friends who have occasion for corne to releive their
wives and children, it shall and may be lawfull for any
English to employ in fishing or deale with fish, ca-
nooes, bowles, matts or basketts, and to pay the said
Indians for the same in Indian corne, but noe other
commodities, any thing in this act, or any other act to
the contrary notwithstanding, and that whosoever con-
trary to the intent and meaneing hereof shall truck,
trade or deale with any Indian for any other commo-
dities they those before in this act limmited and pro-
vided, or upon findeing any Indian commodities in his
or their houses and possessions other then what is

Commissions to examine witnesses or writs of *dedimus potestatem* to be sign'd by any member of the council.

authority thereof, that all writts or commissions to examine witnesses called *dedimus potestatem* at the request of either of the parties plaintiffe or defendant in any cause now depending, or which shall or may hereafter depend in the generall court, shall and may be issued and signed by any one of the honourable councill in such forme, and according to such rules and directions as are by law already prescribed and laid downe, and that all writts of execution and writts of attachment awarded by any order or judgment of the said court shall and may be issued forth of the secretaries office by the clerke there attending, and for that purpose authorized by the secretary, and by him signed without putting the parties to the trouble of attending or sending to the governour for his signe as hath bin formerly used, and all such writts to returne to Mr. Secretaryes office, any former law, custome or usage to the contrary notwithstanding.

Executions & attachments may be issued by an attend'g clerk, in the secretary's office.

See also original
p. 499

ACT VI.

Edi. 1733 and 1752. *An act repealing the 6th act of assembly of June 1680, about atournes.*

Purvis 290.

Act VI of June 1680 (ante pa. 478) repealed.

FORASMUCH as the sixth act of assembly made att James Citty the 8th day of June 1680, (about atournes) is found inconvenient. *Bee it therefore enacted by the governour, councill and burgesses of this generall assembly, and it is enacted by the authority aforesaid, that the foresaid act of assembly, and every clause thereof from hence be repealed and made voyd.*

ACT VII.

Edi. 1733 and 1752. *An act disbanding the present souldiers in garrisons in the fforts on the heads of the severall rivers. as alsoe for the raising of other forces in their stead.*

Purvis 291.

Preamble.

WHEREAS the present garrisons in the severall fforts built according to an act of assembly held, at James Citty the 8th day of June 1680 entitled, an act for continuation of the severall garrisons and

381. Va.—General Assembly, James City; Laws, W. Hening, Vol. 2, 1810; Act, Nov. 1682, pp. 498-501.

fortifications at the heads of the four great rivers, are by experience found, every burthensome and chargeable to the country, and for as much as the apprehensions of danger from the insurrections of certaine Indian enemies induced that assembly to erect those forts and place those garrisons in them, are for the most parte removed by peace concluded with those Indians then our enemies; the house of burgesses now assembled, doe pray that it may be enacted, *And bee it enacted by the governour, counsell and burgesses of this generall assembly, and by the authority thereof,* that the said severall forts and garrisons be dismantled, and the forces, officers and soldiers therein and in each of them disbanded sometime between this and the thirtieth day of this instant, December, and that each officer and soldier by the time aforesaid, doe actually deliver up his horse, armes and furniture to the respective owners of them, and for as much as it may be dangerous and of evill consequence to leave the frontiers of the country and the heads of the aforesaid rivers altogether unguarded, *It is hereby enacted* that twenty men well furnished with horses and all other accoutrements be raised and listed in each of the counties of Henrico, New Kent, Rappahanock and Stafford, of such housekeepers belonging to the said counties as shall voluntarily offer themselves for this service, and for want of such or for many housekeepers, that then the said number shall be made of such freemen as shall willingly offer themselves, and give securitie to the militia officers of that county to performe all services and other things as by this act is enjoyned them; but in case such twenty men qualified as aforesaid, shall not be found in each of the said counties, then it shall and may be lawfull for the militia officers of the said counties to presse such, and soe many men furnished as aforesaid as shall be wanting to compleate the number required by this act. And his excellency the governour generall, or in his absence the right honourable the lieutenant or deputy governour is hereby desired to make choice of and commissionate some fitt and able person in each of the foresaid counties who is a housekeeper therein to command, lead, traine, conduct and exercise the said twenty souldiers to be raised in the said county, of which he shall be appointed and commissioned by

Forts & garrisons built und. act June 1680, (ante pa. 469) dismantled, & soldiers disbanded.

Twenty men, well furnish'd to be raised in each of the counties of Henrico, New Kent, Rappahanock & Stafford, by voluntary enlistment, or by impressment.

his excellency the governour generall, the leutenant or deputy governour as aforesaid. *And it is further enacted* that the chiefe officers of the militia in each of the said respective counties shall make choice of the most able and fittest person out of such twenty men as to them shall seem most fitt and convenient to be corporall of the troope of that county, who in the absence of the captain of the said troope, occasioned by sickness or otherwise, is to lead, train, command and exercise the said troop, or company of twenty men. *And bee it further enacted by the authority aforesaid,* that the pay of each officer and soldier shall be as followeth: To the captain of each troop finding himself horse, armes, ammunition and provision, eight thousand pounds of tobacco with caske out of the publique leavy for one whole yeare, and soe after that rate for a longer or shorter time; to the corporall of each troope, three thousande pound of tobacco with caske as aforesaid for one whole yeare, and soe after that rate for a longer or shorter time; and to each soldier finding himself horse, armes furniture, provision, amunition and other necessaries as aforesaid, two thousand pounds of tobacco and caske as aforesaid, and soe after that rate for a longer or shorter time. *And bee it enacted by the authority aforesaid,* that each captain, or in his absence his corporall shall once every month muster, treine, exercise, instruct and discipline the troop or soldiers under his command on paine to forfeite five hundred pounds of tobacco in caske for each time he shall neglect such muster or exercise unless occasioned by sickness. And that every captain or in his absence occasioned by sickness, his corporall shall at the least once in every fourteen daies range and scout about the frontiers of the county for which they serve, and in such other places as shall be most likely for the discovery of the enemy under paine of forfeiting for every time he shall neglect such ranging and scouting one thousand pounds of tobacco in caske. And that every soldier that shall neglect or omitt to appeare at such muster, shall forfeite one hundred pounds of tobacco in caske, and for not scouting and ranging as aforesaid, the summe of two thousand pounds of tobacco and caske for every such default, all which forfeitures to be recovered by action of debt by him or them that will informe, the one halfe to the

Officers, how appointed.

Pay of officers and soldiers.

Discipline of troops.

Mustrange on the frontiers.

Pen'ty for neglect.

informers, the other halfe to the use of the county. *And be it further enacted by the authority aforesaid*, that upon notice, advice or discovery of the approach or attempt of any enemy, the said captain or corporall of the troop is hereby required to give speedy advice thereof to some one or more of the cheife officers of the militia, and he or they to his excellency the governour, the right honourable deputy governour or some one of the honourable councill, and in the meane time to observe and attend the motion of the enemy, only unlesse he shall obstinately persist to committ acts of hostility, and in such case of necessity to engage and destroy them if he shall see cause, and in all things to attend and execute such orders and commands as he shall receive from the governour and councill. *And it is further enacted*, that for their better management and ordering their horses and makeing them fitt for service, noe soldier presume to use or bring to service any other horse then that only which shall be first mustered and approved, of which each captain is to take such perticular notice as that he may know the horse againe, unlesse in case such horse shall be by some accident made unfitt for service, in which case such soldier may provide himselfe of another able horse in his stead, which he is likewise not to part with, unlesse for his first horse againe; and this act to continue in force for three yeares from the first day of January now next ensuing. *Provided alwayes, and be it enacted by the authority aforesaid*, that the aforerecited act of the 8th of June 1680, intituled, an act for continuation of the severall garrisons and fortifications at the heads of the four greate rivers be repealed, and it is hereby repealed for three yeares under his majesties good likeing, and after untill his majesties pleasure shall be signified to the contrary; any thing herein to the contrary notwithstanding.

Notice to be given to militia officers of the approach of Indians.

What horses to be kept for service.

Limitation of this act.

Act of 8th of June, 1680, (ante pa 469) repealed for 3 years.

ACT VIII.

An act imposing further penalties upon any person or persons that shall publish or declare that the acts of assembly of Virginia are not of fforce.

Edit. 1752.

THIS assembly takeing into their serious consideration that divers ill disposed persons, wickedly intending to invallid the lawes of this country and

Purvis 294 and Edi. 1733,

Preamble.

ACT IV.

See also original
p. 14

An act for the better supply of the country with armes and ammunition. Edi. 1733 and 1752.

FOR the encouragement of the inhabitants of this his majeties colony and dominion of Virginia, to provide themselves with arms and ammunition, for the defence of this his majeties country, and that they may appeare well and compleatly furnished when commanded to musters and other the king's service, which many persons have hitherto delayed to do, for that their arms have been imprest and taken from them.—*Be it (a) enacted by the governour, councill and burgesses of this pre-sent general assembly, and the authority thereof, and it is hereby enacted,* That all such swords, musketts, (b) pistolls, carbines, guns, and other armes and furniture, as the inhabitants of this country are already provided, or shall provide and furnish themselves with, for their necessary use and service, shall from henceforth be free and exempted from being imprest or taken from him or them, that already are provided or shall soe provide or furnish himselfe, neither shall the same be lyable to be taken by any distresse, seizure, attachment or execution, Any law, usage or custom to the contrary thereof notwithstanding.

Encourage-
ment to pro-
vide arms and
ammunition.

Arms and am-
munition ex-
empted from
impressment,
distress or ex-
ecution.

And be it further enacted, That between this and the five and twentieth day of March, which shall be in the yeare of our Lord one thousand six hundred eighty-six, every trooper of the respective counties of this country, shall furnish and supply himself with a good able horse, saddle, and all arms and (c) furniture, fitt and compleat for a trooper, and that every foot soldier, shall furnish and supply himselfe, with a sword, musquet and other furniture fitt for a soldier, and that each trooper and foot souldier, be provided with two pounds of powder, and eight pounds of shott and shall conti-

What arms,
&c. the militia
to supply them-
selves with.

Various Readings.

(a) The word 'therefore' after 'it' in Ch. Cit. and P. Rand. MSS

(b) The word 'musketts' omitted in Northb MS. but inserted in Ch. Cit. and P. Rand. MSS.

(c) The words 'all arms and' omitted in Northb. MS. but inserted in Ch. Cit. and P. Rand. MS.

384. Va.—*General Assembly, James City; Laws, Vol. 3, W. Hening, 1812; Act, Apr. 1684, pp. 13-14.*

nually keep their armes well fixt, cleane and fitt for the kings' service.

Penalty for failure.

And be it further enacted, That every trooper, failing to supply himselfe within the time aforesaid, with such arms and furniture, and not afterwards keeping the same well fixt, shall forfeite four hundred pounds of tobacco, to his majesty, for the use of the county in which the (a) delinquent shall live, towards the providing of colours, drums and trumpets therein, and every foot souldier soe failing to provide himselfe, within the time aforesaid, and not keeping the same well fixt, shall forfeit two hundred pounds of tobacco to his majesty, for the use aforesaid, and that all the militia officers of this country, take care to see the execution and due observation of this act, in their several and respective regiments, troops and companies.

Musters, when to be.

And be it further enacted, by the authority aforesaid, That every collonell of a regiment within this country, shall once every yeare, upon the first Thursday in October, yearly, cause a generall muster, and exercise of the regiment under his command, or oftner if occasion shall require.

And that every captain or commander of any troop of horse or foot company, within this country, shall once at the least in every three months, muster, traine and exercise, the troop or company under his command, to the end, they may be the better fitted and enabled, for his majesties and the countryes service, when they shall be commanded thereunto.

ACT V.

Edi. 1733
1752.

Acts 42 & 43,
of the printed
laws, (vol. 2,
p. 76, 77,) re-
pealed.

An act repealing the forty-second and forty-third act of the printed laws and for building prisons in each county, and for ascertaining rules to each prison.*

BEE it enacted by the governour, councill and burgesses of this present general assembly, and by the authority of the same, That the forty-second act of the

Various Readings.

(a) 'Such' in Ch. Cit. and P. Rand. MS.

* It is not probable that Purvis's collection was printed at this time. Had it been the case, there certainly would have been some reference more distinct, than merely to the *printed laws*. This fur-

ACT VII.

An Act for the better defence of the Country.

Edi. 1733 and 1752.

Certain enumerated acts for defence of the country repealed.

See also original pp. 18, 20

FOR the better safeguard and defence of the country then by any former act or law hath been hitherto provided, *Bee it enacted by the governour, councill and burgesses of this present generall assembly, and by the authority thereof and it is hereby enacted,* That one act of assembly made at James Citty the 25th of Aprill, 1679, intituled, an act for defence of the country against the incurtions of the Indians, and one other act made at James Citty aforesaid, the 8th day of June, 1680, intituled, an act for the continuation of the severall fortifications and garrisons at the heads of the four great rivers, and one other act made at James Citty aforesaid, the 10th day of November, 1682, intituled, an act disbanding the present souldiers in garrison in the forts of the severall rivers, as alsoe for the raising of other forces in their stead, and every of them, and every clause, article and provisoe in them, each and either of them, bee and are hereby repealed and made null and voyd to all intents and purposes whatsoever, as if the said acts had never been made. And for the forming of a standing force for the more sure and safe guarding the frontiers, and preventing the murthers, depredations, incurtions and spoiles by the Indians. Bee it enacted by the authority aforesaid, and it is hereby enacted, That four troops of horsemen (each troop to contain thirty able men) be raised for the purposes aforesaid, every way well horsed and armed: viz. Every man to have a good able horse for service, a case of pistolls, a carbine, sword and all other furniture usuall and necessary for horse-souldiers or troopers, one of the four troops to be raised on the upper parts of James river, one troop thereof on the upper parts of York river, one troop thereof on the upper parts of Rappahannock river, and the other troop on the upper parts of Potomack river out of such as shall voluntarily offer themselves in each river for that service; but in case the full number of thirty men, compleatly mounted, armed and provided as aforesaid, cannot be raised by such as shall voluntarily offer themselves for that service, that then his ex-

and a regular army provid'd

4 troops of volunteer cavalry to be raised

How equipp'd

Where to be raised.

If a sufficient number of volunteers, do not offer, the deficiency to be drafted.

C

cellency the governour, and in his absence, the commander in chief for the time being, is desired (upon applycation to him made by the captain or chiefe commander of each troop) to issue forth his warrant for the raiseing soe many men (armed and appointed as aforesaid) as shall be wanting to compleat the number of thirty men by this act appointed.

Officers to nominate those under degree of captain.

And bee it enacted, That the chief officers of the militia for the upper counties, on the aforesaid rivers, out of the thirty men raised or to be raised as aforesaid, may present to his excellency the fittest and most able person to command under the captain as leiutenant of each troop, who, in the absence of the captain (occasioned by sicknesse or otherwise) is to command, lead, train and exercise the troope.

Pay of officers and privates.

And bee it enacted, That the pay of each captain finding himselfe provision, ammunition, horse, armes and all other necessaries for one whole yeare, shall be ten thousand pounds of tobacco and cask, and so after that rate for a longer or shorter time, and the pay for the leiutenant for one whole yeare, finding himselfe horse, armes, ammunition provision and all other necessaries, shall be five thousand pounds of tobacco and caske, and soe after that rate for a longer or shorter time, and the pay for every private souldier mounted, armed and provided as aforesaid, shall be three thousand pounds of tobacco and cask for one whole yeare, and soe after that rate for a longer or shorter time, all which summes shall be paid by the country.

Troops to be muster'd every month.

And bee it further enacted, that each captain of the troops (to be appointed or commissioned by the governour) or in his absence the leiutenant shall once every month, at the least, muster, traine, exercise, instruct and discipline the troope under his command, on paine or forfeiture of being abated out of his pay for every time he shall omit the same, the summe of one thousand pounds of tobacco, unlesse occasioned by sicknesse. And further, that every captain, or in his absence, the leiutenant, shall once every weeke (and oftener if occasion shall require) range and scout about the heads of the rivers, for which they serve (that is to say) the forces appointed for the head of Potomack doe scout and range from the head of Potomack aforesaid, above the frontier plantations, to the head of Rap-

Penalty for neglect.

To range and scout every week

At what places.

pahannock river; and the forces appointed for the head of Rappahannock to range from the head of Rappahannock (*a*) above the frontiere plantations to the north side of Mattapany river; the forces appointed for the heads of York river, to range from the south side of Mattapany river (*b*) above the frontiere plantations, to Chiccahominie swamp; and the forces for the heads of James river doe range from Chiccahominie swamp, above the frontiere plantations, to the heads of Apomatack river, and in such other places as shall be most likely for the discovery of the enemy, and further observe such rules, commands and directions as from time to time, he or they shall receive from the governour, or in his absence from the chiefe commander, or other theire superior officers, under paine of looseing or being abated out of his pay for every time he shall omitt such scouting and ranging, one thousand pounds of tobacco for their disobedience, contempt or neglect, and that every souldier that shall neglect to appeare at any muster well mounted and prepared as aforesaid, shall forfeite for each time he shall soe neglect the same, the summe of (*c*) one hundred pounds of tobacco to be abated out of his pay, and for every time he shall fayle to arrange or scout, two hundred pounds of tobacco to be abated out of his pay, the one halfe of all and every which forfeitures shall be paid by the country to him or them that will informe and make due prooffe thereof, before the collonell or chiefe officer of the militia next adjoyning, such informer produceing a certificate from the collonell or chiefe officer of haveing made such prooffe, which certificate the said collonell or chiefe officer is hereby required and authorized to give. *And be it further enacted*, that upon discovery, notice or advice of the approach or attempt of an enemy, the said captain or lieutenant of the troope is hereby required to give speedy advice thereof to the governour, or in his absence to the commander in

Penalty for neglect.

Duty of officers on approach of the enemy.

Various Readings.

(*a*) The words 'to range from the head of Rappannock' omitted in Northb. MS. but inserted in Ch. City MS.

(*b*) The word 'river' omitted in Ch. City MS. but inserted in Northumberland MS.

(*c*) The words 'the sume of,' omitted in Ch. City MS. but inserted in Northumberland MS.

chiefe for the time being, and in the mean time to attend the motion of the enemy, only unless the enemy during that time shall first committ some act of hostility, either in burning or in forcible entering into our houses, or by killing, maiming or carry ng away any of the inhabitants, and then in such case to engage and destroy them, if he see cause, and in all things to observe and execute such orders and commands, as he shall from time to time receive from the governour, or in his absence from the commander in chiefe for the time being. And that for the better managing and ordering their horses and makeing them fitt for service, noe souldier presume to use or bring to service any other horse than that which shall be first mustered and approved of, of which the captain is to take such perticuler notice, that he may know the same horse againe. Except where such horse as first past master, be, by some accident or disease, made unfitt for service, in which case such souldier, shall provide himselfe of another able horse, in his stead, which he is likewise not to part with, unless for his first horse againe. And to the end that the said troopes may att all times be the more speedily got together the captain of each troop is to take especiall care that his troop be quartered, neare the frontieres and heads of each river, and as n-ar together as possible they may. And for encouragement of officers and souldiers in each troop. *Bee it enacted*, that in case any souldier shall loose his horse or armes, or any part thereof, in any actuall engagement against the enemy, he shall be allowed the vallue thereof by the country, he mak-ing prooffe of the reall vallue before the county court next adjoining. And farther, that each such souldier during the time of his service, be exempted and excused from the payment of publique levies.

Horses not to be changed, except in cases of accident

Troops to be quarter'd near the frontiers.

Horses lost in actual service to be paid for.

Militia, when to be called out.;

And bee it further enacted, That upon the approach or first discovery of an enemy the officers of the militia next adjoining, shall immediately put the militia under their comand, in a posture of defence and readinesse, for such further service as shall be commanded them by the governour as the emergencys shall require, which said auxillaries (if at any time of imminent danger they are drawne out for the aiding or reinforcing of the troopes of thirty men by this act provided) and

shall continue in such service above (a) the space of six dayes, (which six dayes they shall serve at their owne charge) That then and in such cases, each person, if a horseman. well mounted, armed and furnished, and finding himselfe ammunition and provision as aforesaid, shali have the like allowance, for such further time he shall serve as a trooper or horseman, hereby this act appointed have for the life time, and every foot souldier well armed, and finding himselfe armes, ammunition and provision after the rate of two thousand pounds of tobacco and cask per annum.

Pay of militia, continued in service over 6 days.

And for the more easy and expeditious performing of any services hereby injoynd, or to be injoynd to the officers and souldiers aforesaid, *Bee it enacted*, that there be deposited into the hands of collonell George Mason, collonell John West, collonell John Farrar and captain George Taylor, the summe of twelve hundred pounds of tobacco each. To the end the said collonell Mason, collonell West, collonell Farrar and captain George Taylor, shall each of them buy (b) build or provide an able boate for the transporting the souldiers and horses over the severall rivers and places hereafter mentioned, vizt: One boat for James river to be placed and kept at such places as the chief officers of the militia for the county of Henrico shall appoint, one other boate to be placed and kept at such place on Pamoukey river as the chiefe officers for the militia, for the county of New-Kent shall appoint, and one other boate to be kept at such place on Ocquan (c) river as the chiefe officers of the militia for the county of Stafford shall appoint, and one other boate to be kept at such place on Rappahannock river, as the chiefe officers of the militia for the county of Rappahannock shall appoint.

Boats to be provided by certain persons.

Where deposited.

Provided allwayes, and it is the true intent and meaning of this act, that the twenty troopers by the former act appointed, and at present in service at the heads of each river, shall continue and be in pay, and be paid as formerly, untill such time as the troopers

Troops raised by a former act to be continued in service.

Various Readings.

(a) The word 'above' omitted in North. MS. but inserted in Ch. City MS.

(b) The word 'buy' omitted in Northb. MS. but inserted in Ch. City MS.

(c) This word is spelt 'Ocquan' in all the MSS.

and to be preferred in new enlistments.

by this act appointed to be raised, be fully formed and compleated; and *Provided alsoe*, that such and soe many of the said twenty troopers, now in service, as shall be willing (and against whome there is noe just exceptions) to be lysted in the new troopes, by this act to be raised, shall be lysted, preferred and accepted of before any other as part of such troop and troops, and to be paid rateably, according to the allowance in and by this act specified.

Militia officers in Accomack & Northb. to provide for security of those counties.

And be it further enacted, That upon the incursion, invasion or inroad of any Indian enemy, into either of the counties of Accomack or Northampton, or into any other county or counties in this country, it shall and may be lawfull to and for the militia officers of both, or either, or any of the said counties (as the emergency or occasion shall require) to put the souldiers under their command, into a posture of war and defence for the safeguard of the counties, and if they shall happen to continue in such service, above the space of six dayes (which six dayes they shall serve at their owne charge) that then, and in such case, each person (if a horseman, well mounted, armed and furnished, and finding himselfe ammunition and provision as aforesaid, shall have the like allowances for such further time as he shall serve as a trooper or horseman by this act appointed, shall have for the like time, and every foot souldier, well armed, and finding himselfe armes, ammunition and provision as aforesaid, after the rate of two thousand pounds of tobacco and caske per annum as aforesaid. This act to continue in force three yeares and noe longer.

Pay of militia, over 6 days.

Pensions allowed wounded soldiers.

And bee it further enacted by the authority aforesaid, That if it shall happen that any of the souldiers by this act appointed shall be wounded, maimed or disabled in his majesties and the countryes service, that then the person or persons soe wounded, shall be carefully provided for, and his cure endeavoured at the charge of the country, and the person or persons continueing maimed or disabled, shall have an annuall pensi on from the country for and towards his or their maintenance.

Generall Assembly,

BEGUN AT

Francis Nicholson, Esqr.
Gov.

HIS MAJESTYES ROYALL COLLEDGE OF WILLIAM & MARY
ADJOYNING TO THE CITY OF WILLIAMSBURGH,
5th DAY OF DECEMBER IN THE TWELFTH
YEAR OF THE REIGNE OF OUR SOVEREIGNE
LORD, WILLIAM THE THIRD, OF ENGLAND,
SCOTLAND, FRANCE AND
IRELAND, KING DEFENDER OF
THE FAITH, &c. ANNO.

DOMINI 1700,

*And thence continued by severall prorogations to the
6th day of August 1701 in the 13th year of his maj-
esties reigne.**

ACT I.

Ed. 1733, and 1752.

*An act for the better strengthening the frontiers and
discovering the approaches of an enemy.*

Preamble.

WHEREAS the most proper wayes and means for
the strengthening the frontiers of this his ma-
jesties most ancient colony and dominion against the inva-
sions and incursions of an enemy by land, and for the bet-
ter prevention of murders, robberies and other spoiles
from being comited thereon is thought to be by settling in
cohabitations upon the said land frontiers within this go-

* The commencement of the acts of this session, in the editions of 1733 and 1752, is, "At a general assembly, begun at his majesty's royal college of *William and Mary*, adjoining to the City of Williamsburg, the fifth day of December; in the twelfth year of the reign of our sovereign lord William III. of England, Scotland, France, and Ireland, King, defender of the faith, &c. anno; Dom. 1700. And thence continued by several prorogations to the 6th day of August 1701; and in the thirteenth year of his majesties reign; being the second session of this present General Assembly."

385. Va.—*General Assembly, W. & M. Coll., Williamsburg; Laws, Vol. 3, W. Hening, 1812; Act, Aug. 1701, pp. 204–209.*

verment, and that the best method to effect the same will be by encouragements to induce societies of men to undertake the same, and whereas a less number than twenty able fighting men is not thought a sufficient defence in such cohabitations,

Be it therefore enacted by the Governour, Councell and Burgesses of this present Generall Assembly and the authority thereof, and it is hereby enacted, That these following encouragements shall be given for such cohabitations under the conditions, rules and directions hereafter following, that is to say, that there shall be granted to every certaine number of men who shall enter into societies and agree to undertake such cohabitations any quantity of land not under the quantity of ten thousand acres, nor exceeding the quantity of thirty thousand acres upon any of the frontiers within this government wherever it shall be found not legally taken up or possessed by any of his majestyes leige people, which land shall be held by such societies or companies of men in common as tenants in comon and undivided to them and each of them, their and each of their heirs for ever as to their severall respective interests and properties in the said land and every part thereof, so that at the death of any of them the right of such person may descend to his heirs and so from heir to heir and not go to the survivor. Provided always, that the power of ordering and managing the said land and the planting and settling thereof, still be and remaine in the said societies of men or undertakers and such of the heirs and purchasers thereof as shall be of age or the major part of them. And whereas the easing the charge usually accrewing in the first surveying and taking up of land in this his majestyes colony and dominion and in the payment of quitrents would be a very great inducement and encouragement for the making the said cohabitations and defensive settlements, this present generall assembly haveing taken the same into their serious considerations and the inability of the country at this time by any other wayes or means to make any forts and such like defence,

Encouragement to settlers on the frontiers.

A certain quantity of land, granted to societies, as tenants in comon;

with power to make rules for the ordering thereof.

Be it therefore enacted by the authority aforesaid, and it is hereby enacted, That when any grant and settlement shall be made in pursuance of this act, the charges of the surveying thereof and laying out the two hun-

Surveys to be made, & quit-rents paid, at public expense for the first 20 years.

Settlers exempted from taxes or levies for 20 years:

and from military service, except for their own defence.

Settlement rights.

Conditions.

dred acres for the cohabitations and the land for the forts shall be defrayed by the country together with the quitrents due to his majesty for the first twenty years as they shall become due. And for a further encouragement.

Be it also enacted by the authority aforesaid, and it is hereby enacted, That all persons that shall go or be sent to settle and remaine in any of the settlements or cohabitations to be made by virtue of this act shall for the first twenty years after such settlement made wherein they reside be free and exempted from paying any public. county or parish levyes within this government.— And also for their further encouragement,

Be it enacted by the authority aforesaid, and it is hereby enacted, That all such persons as shall be seated in cohabitations by virtue of this act shall be also exempted from all military commands but what shall be settled by public authority among themselves and shall tend to their owne defence and security, and for the encouragement of all such persons able and well fitted to serve in warr as shall join such undertakeing for cohabitations and be under the rules and directions herein and this act appointed and to be appointed where and so long as the quantity of land undertaken for shall be less than thirty thousand acres.

Be it also farther enacted by the authority aforesaid, and it is hereby enacted, That there shall be granted to every such person untill the said quantity of thirty thousand acres shall be compleatly taken up a right to two hundred acres of land next adjacent at his choise together with halfe an acre to seat upon and live in not before seated upon within the said two hundred acres to be laid out for the cohabitation as shall be directed to be held and enjoyed by him, his heirs and assignes under the libertyes, freedoms, exemptions and franchises herein by this act given to such societys and undertakers so long as the said person so joining himselfe his heirs or assignes shall continue and keep the conditions of the said settlements and cohabitation and no longer. *Provided alwayes,* and it is the true intent and meaning of this act that for every five hundred acres of land to be granted in pursuance of this act there shall be and shall continually be kept upon the said land one christian man between sixteen and sixty years of age

perfect of limb, able and fitt for service who shall alsoe be continually provided with a well fixt musquett or fuzee, a good pistoll, sharp simeter, tomahawk and five pounds of good clean pistoll powder and twenty pounds of sizable leaden bulletts or swan or goose shott to be kept within the fort directed by this act besides the powder and shott for his necessary or usefull shooting at game. *Provided also*, that the said warlike christian man shall have his dwelling and continuall abode within the space of two hundred acres of land to be laid out in a geometricall square or neare that figure as conveniency will admitt for the same to be laid out within the said quantities of land first mentioned by this act to be granted. *Provided also*, that because the constitution of this country does not enable us to make such a settlement at once, and that it is not likely to be done among ourselves or from any other place without some reasonable time be given, it is the true intent and meaning of this act that if within two years from the obtaining any grant upon this act the grantees or undertakers shall seat or cause to be seated upon the said land and within the two hundred acres before mentioned to be laid out for cohabitation tenn able warlike christian men, armed and provided as aforesaid, and so for every two years, after tenn more such able, warlike christian men so armed and provided, untill the whole number shall be compleated of one such man so fixed for every five hundred acres such grant shall contain, and from time to time keep up such settlement it shall be taken for a full compliace and settlement within this act and to take and hold by virtue of such grant any thing in this act contained to the contrary notwithstanding. *Provided also*, that by the expiration of the two first years after the grant as aforesaid the said society or undertakers, and such as shall joine with them shall palesado in or cause to be pallsadoed in for a fort one half acre of land to be laid out in the middle of the said two hundred acres appointed for the cohabitation with good sound pallsadoes at least thirteen foot long and six inches diameter in the middle of the length thereof, and set double and at least three foot within the ground. And for further encouragement,

For every 500 acres of land, one able man ; completely armed & equipt, to be constantly kept.

Where station-
ed.

Further en-
couragement
to settlers.

Forts to be
built.

Be it also enacted by the authority aforesaid, and it is hereby enacted, That when such fort shall be made

Part of the expence, to be paid by the public.

On failure of conditions, the land to revert to the king, without inquest.

Governor may appoint commander of fort.

Two men to be appointed, as look-outs, in the counties of Accomack and Northumberland.

Their duty.

there shall be paid by the country ten pounds sterling towards a publick store house and other necessary houses within the said fort: *Provided also*, that when any person or persons shall joine themselves to the said cohabitation after the first undertaking as afore is said and shall desert the same or not keep up his or their part or parts of the conditions in this act mentioned, the said two hundred acres of land by this act appointed to be granted him or them shall revert to the king without any inquest or further inquiry, and be lyable to be taken up under the conditions he or they took up the same by the next that will and the halfe acre to the society of undertakers, any thing in this act to the contrary in any wise notwithstanding. *Provided alwayes*, that the governor or commander in chiefe of this his majestyes most ancient collony and dominion of Virginia may and he is hereby desired to nominate, choose and appoint one or more as to him shall seem meet that shall be resident in each of the cohabitations or townes to be made by virtue of this act to reside and lodge in the fort and to command and rule the rest in all military affaires according to such orders and directions as he or they shall from time to time receive from the governor or commander in chief for the time being, and also to give directions in what shall be needfull or convenient in raising, maintaining and keeping their fort in repaire and strengthening the same. And for the further security of the frontiers as well towards the sea as land during these times of danger and for discovering the approaches of an enemy by sea,

Be it enacted by the authority aforesaid, and it is hereby enacted, That the colonels or commanders in chiefe of the militia in the severall countyes of Elizabeth City, Accomack and Northampton, order and appoint two men in each of the said countyes at such time and place as the governor for the time being shall appoint, which said men shall keep a constant looke out to seaward by night and by day, and if they or any of them shall hapen to see any ship or vessell upon the sea they shall dilligently observe the courses and motions of the said shipp or vessell, and if upon the same the look outs who shall spye them have any suspition of their being enemyes they shall imediately give notice thereof to the next commision officer of the militia who is hereby re-

quired forthwith to signify the same to the cheife commander for the time being of the militia of that county.

And be it further enacted by the authority aforesaid, and it is hereby enacted, That when any notice shall be given to the chief officer of the militia for the time being in any frontier county either by land or sea of the approach of an enemy, such cheife officer is hereby authorised, impowered and required immediately to issue his warrants for the impressing horse and man and boat and hands as the occasion shall require to carry the said notice to the governor or commander in cheife of this his majestyes colony and dominion for the time being and to the cheife officers of the militia in the next adjacent frontier county with what orders and directions he designs therein and is also hereby further authorized and impowered to call together such number of the militia as he shall think fitt and together with the advice of the commission officers who shall meet him to march the said militia against the enemyes and to imbattle, repell, subdue, take, kill or destroy them untill further order to be given by the governor or commander in cheif for the time being.

Power and duty of commanding officers of militia.

And it is further enacted by the authority aforesaid, That the look outs by this act appointed shall for what time they serve be paid by the public after the rate of two hundred pounds of tobacco per month.

And be it further enacted by the authority aforesaid, That the militia raised or to be raised by force and virtue of this act if they be out above four dayes they and every of them shall receive pay and be satisfied by the publick for every day they shall be in service after these rates, vizt : each captaine finding himselfe horse, armes, ammunition, provisions and all other necessaryes tenn thousand pounds of tobacco and caske for one year, and so proportionably for a shorter or longer time, each lieutenant finding and providing himselfe with horse, armes, ammunition and all other necessaryes five thousand pounds of tobacco and caske for one year and so proportionable for a shorter or longer time, and every private souldier finding himselfe horse, armes and amunition and all other necessaryes three thousand pounds of tobacco and caske for one year and so proportionable for a shorter or longer time.

Pay of militia; called into service.

the other said children: And thereupon, it shall and Action for.
may be lawful for the said other children, and every of
them, and their executors or administrators, as the case
shall be, to commence and prosecute an action upon the
case, at the common law, against such heir, his heirs,
executors and administrators, for the recovery of their
said several proportions, respectively.

See also original
pp. 337, 338, 340

XI. *And be it further enacted by the authority afore-*
said, That if any widow, seised of any such slave or Widow, send-
slaves, as aforesaid, as of the dower of her husband, ing dower
shall send, or voluntarily permit to be sent out of this slaves out of
colony and dominion, such slave or slaves, or any of the state, for-
their increase, without the lawful consent of him or her feits her right.
in reversion, such widow shall forfeit all and every such
slave or slaves, and all other the dower which she holds
of the endowment of her husband's estate, unto the per-
son or persons that shall have the reversion thereof;
any law, usage or custom to the contrary notwithstanding.
And if any widow, seized as aforesaid, shall be
married to an husband, who shall send, or voluntary So, of her hus-
permit to be sent out of this colony and dominion, any band.
such slave or slaves, or any of their increase, without
the consent of him or her in reversion; in such case, it
shall be lawful for him or her in reversion, to enter in-
to, possess and enjoy all the estate which such husband
holdeth, in right of his wife's dower, for and during the
life of the said husband.

CHAP. XXIV.

An act for settling the Militia.

Edi. 1733, and
1752.

FOR the settling, arming and training a militia for
her majestie's service, to be ready on all occasions
for the defence and preservation of this her colony and
dominion,

[From MS.]

Be it enacted, by the governor, council, and burges-
ses, of this present general assembly, and it is hereby
enacted, by the authority of the same, That from and
after the publication of this act, the colonel or chief of-
ficer of the militia of every county have full power and
authority to list all male persons whatsoever, from six-
teen to sixty years of age within his respective county,
to serve in horse or foot, as in his discretion he shall

Persons, from
16 to 60, liable
to militia duty.

387. Va.—General Assembly, Williamsburg; Laws, Vol. 3, W. Hening,
1812; Act, Oct. 1705, pp. 335-342.

see cause and think reasonable, having regard to the ability of each person, he appoints to serve in the horse, and to order and place them and every of them under the command of such captain in the respective countys of their abode, as he shall think fitt.

Who exempted from.

Provided nevertheless, That nothing herein contained shall be construed to give any power or authority to any colonel or chief officer whatsoever, to list any person that shall be, or shall have been of her majesty's council in this colony, or any person that shall be, or shall have been speaker of the house of burgesses, or any person that shall be, or shall have been her majesty's attorney general, or any person that shall be, or shall have been a justice of the peace within this colony, or any person that shall have born any military commission within this colony as high as the commission of a captain, or any minister, or the clerk of the council for the time being, or the clerk of the general court for the time being, or any county court clerk during his being such, or any parish clerk or schoolmaster during his being such, or any overseer that hath four or more slaves under his care, or any constable during his being such, or any miller who hath a mill in keeping, or any servant by importation, or any slave, but that all and every such person or persons be exempted from serving either in horse or foot. Any thing in this act heretofore to the contrary notwithstanding.

Proviso, as to overseers.

Provided always, That if any overseer that is by this act exempted from being listed shall appear at any muster, either of horse or foot, he shall appear in arms fit for exercise, and shall perform his duty as other private soldiers do, on pain of paying the fine inflicted by this act upon such persons as do not provide troopers, arms and other accoutrements. But for as much as severall of the persons exempted as aforesaid, though they be of sufficient ability to find and keep a serviceable horse and horse arms, and such men whose personal service may not only be usefull, but necessary upon an insurrection or invasion, which God prevent, by virtue of the proviso aforesaid, will perhaps account themselves free from provideing and keep the same at the places of their abode, which is not intended :

Be it therefore enacted by the authority aforesaid, and it is hereby enacted and declared, That the persons of a counsellor, of a speaker of the house of burgesses, of a justice of the peace, of an attorney-general, and of a captain or an higher officer in the militia, are exempted from being listed and serving either in horse or foot under command as the rest of the militia do, merely for the dignity of the office which they do or shall have held, and that notwithstanding the said proviso or any thing therein contained, it is the true intent and meaning of this act, that all and every such person or persons, and also the clerk of the counsell, the clerk of the general court, and every county court clerk shall provide and keep, and they and every of them are hereby required and enjoined to provide and keep at their respective places of abode a troopers horse, furniture, arms and ammunition, according to the directions of this act hereafter mentioned and expressed, and to produce or cause the same to be produced in the county where they respectively reside yearly, and every year at the generall muster appointed by this act, to the colonel or chief officer present, upon pain of forfeiting for every neglect therein, twenty shillings current money of Virginia.

Persons exempted, to provide themselves with arms, &c.

And in case of any rebellion or invasion shall also be obliged to appear when thereunto required, and serve in such stations as are suitable for gentlemen, under the direction of the colonel or chief officer of the county where he or they shall reside, under the same penaltys as any other person or persons, who by this act are enjoined to be listed in the militia, any thing herein contained to the contrary or seeming to the contrary in any wise notwithstanding.

And, on invasions or insurrections must perform duty, as gentlemen.

And be it further enacted, by the authority aforesaid, That the colonell or chief officer of the militia of every county be required, and every of them is hereby required, as soon as conveniently may be, after the publication of this act, to make or cause to be made, a new list of all the male persons in his respective county capable by this act to serve in the militia, and to order and dispose them into troops or companys, according to the directions of the governor or commander in chief of this dominion for the time being, and the respective circumstances of the ability of the persons listed, to the end each troupier or foot soldier may be thereby guid-

Militia to be enrolled & divided into troops or companies.

ed to provide and furnish himself with such arms and ammunition and within such time as this act hereafter directs.

Arms, &c. to be provided by each foot soldier.

By the cavalry.

And be it enacted, by the authority aforesaid, That every foot soldier be provided with a firelock, musket or fusce well fixed, a good sword and cartouch box, and six charges of powder, and appear constantly with the same at time and place appointed for muster and exercise, and that besides those each foot soldier have at his place of abode two pounds of powder and eight pounds of shott, and bring the same into the field with him when thereunto specially required, and that every soldier belonging to the horse be provided with a good serviceable horse, a good saddle, holster, brest plate and crouper, a case of good pistolls well fixed, sword and double cartouch box, and twelve charges of powder, and constantly appear with the same when and where appointed to muster and exercise, and that besides those each soldier belonging to the horse have at his usuall place of abode a well fixed carabine, with belt and swivle, two pounds of powder and eight pounds of shott, and bring the same into the field with him, when thereunto specially required.

Fines.

And be it further enacted, by the authority aforesaid, That whatsoever trooper or foot soldier shall fail to appear at time and place appointed, or appearing shall not be furnished and provided with arms and ammunition as aforesaid for muster and exercise, or shall not keep at his place of abode what by this act he is directed there to have and bring into field with him all and singular the arms and ammunition directed by this act when thereunto specially required, such trooper or foot soldier shall for his neglect in any of the premises, be fined one hundred pounds of tobacco, every time he is warned or appointed to appear.

Time allowed to provide arms, &c.

Provided always, and be it enacted, That eighteen months time be given and allowed to each trouper and foot soldier not heretofore listed to furnish and provide himself with arms and ammunition according to this act, & that no trooper or foot soldier be fined for appearing without or not having the same at his place of abode untill he hath been eighteen months listed, any thing in this act to the contrary, or seeming to the contrary notwithstanding.

And for the encouragement of every soldier in horse or foot to provide and furnish himself according to this act and his security to keep his horse, arms and ammunition, when provided,

Be it enacted, by the authority aforesaid, That the musket or fluzee, the sword, cartouch box and ammunition of every foot soldier, and the horse, saddle and furniture, the carbine, pistolls, sword, cartouch box and ammunition of every trooper provided and kept in pursuance of this act to appear and exercise withall be free and exempted at all times from being impressed upon any account whatsoever, and likewise from being seized or taken by any manner of distress, attachment, or writt of execution, and that every distress, seizure, attachment or execution made or served upon any of the premises, be unlawfull and void, and that the officer or person that presumes to make or serve the same be lyable to the suit of the party greived, wherein double damages shall be given upon a recovery.

Horse, arms, &c. exempted from distress, execution, &c.

And to the end the militia of this her majestys colony and dominion, being settled and armed as aforesaid, may be the better fitted for service,

Be it further enacted, by the authority aforesaid, That the colonel or chief officer of the militia of every county once every year at least, cause a generall muster and exercise of all the horse and foot in his county at one place and oftener if there be occasion, and that every captain both of horse and foot once in every three months, muster, train and exercise his troop or company, or oftener if occasion require.

General muster.

Company musters.

Provided, That no soldier in horse or foot, be fined above five times in one year for neglect in appearing.

And be it further enacted, by the authority aforesaid, That all soldiers in horse and foot during the time they are in arms, shall observe and obediently perform the commands of their officer relating to their exercising according to the best of their skill, and that the chief officers upon the place shall and may imprison mutineers and such soldiers as do not their duties as soldiers at the day of their musters and training, and shall and may inflict for punishment for every such offence, any mulet not exceeding fifty pounds of tobacco, or the penalty of imprisonment without bail or mainpriso, not exceeding ten days.

Punishment, for disobedience or mutiny.

Fine, for not attending alarms.

And be it further enacted by the authority aforesaid, That if any soldier either in horse or foot upon occasion of an incursion, invasion, insurrection or rebellion, or other alarm or surprise, shall be summoned to meet at a certain time and place and shall fail to appear accordingly, such soldier shall for such his offence be fined ten pounds current money, or suffer three months imprisonment, without bail or mainprise.

And forasmuch as some difficulty hath been found in procuring some soldiers to be willing to serve as sergeants, corporals, drummers or trumpeters, all of them absolutely necessary in troops and companys: For prevention of the like in time to come,

Fine, for failing to serve as non-commissioned officer, &c.

Be it enacted, by the authority aforesaid, That whatsoever soldier shall refuse to take upon him, act in and execute any of the said places and offices in the troop or company wherein he is listed, being known to be capable and thereunto appointed by his captain, shall for such his refusall be fined five hundred pounds of tobacco, which being once paid, he shall thereafter be exempted from being fined for any such refusall.

And to the end no wilfull and obstinate defaulter or offender by virtue of or against this act may escape the penalty inflicted by this act for his default or offence,

Delinquencies, how noted.

Be it enacted, by the authority aforesaid, and it is hereby enacted, That all captains of troops and foot companys within this her majestys colony and dominion be required, and every of them is hereby strictly required and enjoyned, at every muster (generall or particular) to take or cause to be taken an exact account in writing of every such default or offence made or committed in his troop or company, by whom the default or offence was made or done, and at what time, and to sign the same with his own hand and deliver it, or cause it to be delivered within a month after the taking to the colonel or chief officer of the militia of the county whereunto he belongs, for such further proceeding thereupon as the persons hereafter impowered to inquire into the merit of the said defaults or offences shall judge reasonable in the pursuance of, and according to the tenor and true intent and meaning of this act.

And be it further enacted, by the authority aforesaid, That the field officers and captains of every county, or the major part of them, whereof the colonel, lieutenant

colonel, or major, shall be always one, have full power Fines, how as-
and authority to meet yearly at the court-house in their sessed. respective countys on the first Thursday in October, or in case of a failure in meeting that day, on the next Thursday following, to inspect the severall lists or accounts given by the captains to the colonel or chief officer as aforesaid, and thereupon to mulct every defaulter or offender therein charged, according to the merit of his default or offence, and the directions of this act.

Provided always. That nothing in this act contained Proviso. be constraed to give any power or authority to the said field officers and captains to meet or act as aforesaid at any other place or times then the times and place aforesaid, or to mulct any defaulter or offender for any default or offence whatsoever by or against this act, which hath been made or done above a year, any thing heretofore to the contrary notwithstanding.

And because severall persons may happen to be charged with default or offence in their captains said list or accounts who are not wilfully guilty thereof, or may have a fair and just excuse for their not complying with this act—

For remedy in such cases.

Be it enacted, by the authority aforesaid. That whensoever any soldier charged with a default or offence as aforesaid can and doth shew forth to the said field officers and captains at their meeting to mulct delinquents as aforesaid, such matter and cause that he ought not to be fined for the same as they shall judge reasonable, and be convinced withall before he be actually fined, it shall be lawfull for the said field officers and captains, and they are hereby required to admit of such soldiers excuse and to lay no mulct or fine upon him for such default or offence, any thing in this act to the contrary notwithstanding. Fines, how re-
mitted.

And be it further enacted, by the authority aforesaid. That the severall fines and penaltys mentioned in this act, which the said field officers and captains shall at Fines, how
collected. their meeting as aforesaid order and direct, be levied by distress and sale of the goods and chattles belonging to the defaulter or offender by warrant from the colonel or chief officer of the county to the sheriff (in case the defaulter or offender refuse to pay the same in spe-

cie upon the field officers and captains order without further process) and that the said colonel or chief officer sign and issue a warrant in order thereunto as occasion requires.

Clerk, of court-martial.

And be it further enacted, by the authority aforesaid, That the said field officers and captains have full power and authority to appoint and imploy a clerk to attend them at the said meetings, and to keep a register of all their proceedings, and to allow the said clerk such salary for his said service, and for providing necessary books and paper for their use as in their discretion they shall think fit and reasonable, and to pay the same out of the penaltys and fines accrewing by this act.

Fines, how appropriated.

And be it further enacted, by the authority aforesaid, That the said field officers and captains at their meetings as aforesaid, have full power and authority to order and dispose the tobaccos which shall hereafter accrew and arise upon the fines, penaltys and forfeitures mentioned in this act, in such manner as in their discretions shall seem best for paying therewith a clerk as aforesaid, and for furnishing the severall troops and companys belonging to the county with necessary drums, colours, trumpets, leading staffes, partizans and halberts, and for procuring such and so many books of military discipline as shall be thought convenient, and after all these for providing arms and ammunition for the countys use with the overplus.

Clerk, of troop or company.

And be it further enacted, by the authority aforesaid, That every captain of a troop of horse or foot company within this colony be permitted and allowed to take one of the soldiers under his command to be clerk to his troop or company, and that such clerk in consideration of his service in that respect be exeused from carrying or appearing in arms at any muster, generall or particular, except in case of a rebellion or invasion, any thing in this act heretofore to the contrary notwithstanding.

Repealing clause.

And be it further enacted, That all and every other act and acts, and every clause and article thereof heretofore made, for settling the militia, or any other matter or thing whatsoever, within the purview of this act is and are hereby repealed and made void to all intents and purposes, as if the same had never been made.

Fines appro- forfeitures in this act mentioned, shall be paid to the
priated. churchwardens of that parish wherein the offence shall
be committed; who shall be accountable for the same,
to the vestry, for the use of the poor of the parish:
Which said vestry shall annually, on Easter Tuesday,
if fair, (if not, the next fair day,) at the parish church,
distribute the said fines and forfeitures, according to
their discretion, among the poor of their parish.

This act to be read in church- *X. And be it further enacted, by the authority afore-*
es. *said, That this act shall be publicly read two several*
times in the year in all parish churches and chapels
within this colony, by the minister, clerk, or reader of
each parish, immediately after divine service; that is
to say, on the first or second Sunday in April, and on
the first or second Sunday in September, under the pe-
nalty of twenty shillings for every such omission and
neglect; and the churchwardens of every parish are
hereby required to provide a copy of this act, at the
charge of the parish.

See also original
pp. 363, 364, 365, 366

Further pun- *XI. Provided always, That nothing therein contain-*
ishment on ed, shall be construed to exempt any clergyman within
clergyman. this colony, who shall be guilty of any of the crimes
herein before-mentioned, from such further punishment
as might have been inflicted on him for the same, before
the making of this act; any thing herein contained to
the contrary, notwithstanding.

Repealing *XII. And be it further enacted, That all and every*
clause. other act and acts, and every clause and article thereof,
heretofore made, for so much thereof as relates to the
suppression of vice, or restraint and punishment of
blasphemous, wicked, and dissolute persons, is, and are
hereby repealed and made void, to all intents and pur-
poses, as if the same had never been made.

CHAP. XXXI.

Edd. 1733, and
1752.
See chap. 5,
1727.

*An act for security and defence of the country in times
of danger.*

[From MS.] **F**OR the better security and defence of this country
in times of danger,

*Be it enacted, by the governor, council and burgesses
of this present general assembly, and it is hereby enacted,
by the authority of the same, That upon any invasion of*

388. Va.—General Assembly, Williamsburg; Laws, Vol. 3, W. Hening,
1812; Act, Oct. 1705, pp. 362–367.

the enemy by sea or land, or upon any insurrection, the governor or commander in chief of this colony and dominion, for the time being, have full power to levy, raise, arm and muster such a number of forces out of the militia of this colony as shall be thought requisite and needfull for repelling the invasion or suppressing the insurrection, and the same being raised, to order, direct, march, employ, continue, discharge and disband, as the occasion shall require, or the cause of danger ceases for which they were raised.

Governor authorised to call out the militia, on invasions or insurrections.

And be it further enacted, That upon raising or continuance of forces as aforesaid, it shall and may be lawfull by warrant under the hand and seal of any commander in chief, colonel, lieutenant colonel or major, commanding any part of the same, to impress and take up necessary provisions off and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackell, furniture and apparell, belonging thereunto, and also all manner of conveniencys for the land carriage of provisions, great guns, arms and ammunition, from place to place, and likewise to impress and take up any manner of utensils, tools or instruments which shall or may be wanted for digging and intrenching, or towards the mounting the great guns and making them usefull.

Power of impressment, of provisions carriages, &c.

And further, That it shall and may be lawfull by warrant as aforesaid, to impress able and fit men to go in sloops and boats, and also to impress any smith, wheel-right, carpenter or other artificer whatsoever, which shall be thought usefull for the fixing of arms and making of carriages for great guns, or for doing any other work whatsoever, where need shall be of such artificer.

Of artificers, &c.

Provided always, and be it enacted, That it shall not be lawfull to make use of any provisions, conveniencys for land carriage, utensils, tools or instruments, impressed and taken up as aforesaid, untill appraisment hath been made thereof in tobacco by two good and lawfull men upon oath, nor of any boat or sloop untill appraisment hath been made of the same as aforesaid, with the severall appurtenances belonging thereunto and also an estimate made by the same men, of a suita-

Articles impressed, how appraised.

ble allowance in tobacco by the day for the use of the said boat or sloop and every person impressing and taking up any of the particulars aforesaid, is hereby required to take care that an appraisement and estimate be made as aforesaid, and to give a receipt to the owner for every particular by him impressed and taken up, with an account therein how the same was appraised and how estimated, and for what use and service impressed and taken up, upon pain of being liable to the action of the party grieved, for an unlawfull seizure.

And because it may be an advantage to discover the enemy in his approach and there may be a necessity of taking up arms before notice can be given of an alarm to the governor and his commands or orders thereupon had how to act;

Look-outs to be employed towards the sea.

Be it therefore enacted, That in each of the countys of Elizabeth City, Princess Anne and Northampton, at such times and places as the governor or commander in chief of this colony and dominion shall think fit to direct one man be appointed by the chief officer of the militia residing within the respective countys, which men shall keep a constant look out to seaward by night and by day, and if any of the said men shall happen to espy any ship or vessell upon the sea, he shall diligently observe the courses and motions of the said ship or vessell, and if upon such observation he shall suspect that the said ship or vessell doth belong to an enemy he shall immediately give notice thereof to the next field officer in his county.

Duty of officers, in giving intelligence of the approach of an enemy.

And be it further enacted, That when any notice shall be given to the chief militia officer within any frontier county either by sea or land of the approach of an enemy, such chief officer is hereby authorised, impowered and required, immediately to issue his warrant for the impressing of horses, boats and men, as the occasion shall require; to carry an account of the said intelligence to the governor or commander in chief of this colony and dominion for the time being to the commander in chief of the militia in the said county, and to the chief militia officer residing in the next adjacent frontier county, and how he designs to proceed thereon.

And be it further enacted, That any chief militia officer to whom notice of the approach of an enemy shall

be given as aforesaid, shall thereupon have full power to levy and raise all or any part of the militia under his command, and with the advice of the commission officers that meet him to march the same against and engage the enemy untill notice of the alarm can be sent to the governor and orders and directions come from him how to act. Militia to be embodied.

And be it further enacted, That the officers and soldiers which shall be raised and the look-outs which shall be appointed by virtue of this act, shall be paid and allowed by the publick after the following rates, to wit: Pay of officers, soldiers and look-outs.

A colonel and commander in chief, seventy pounds of tobacco per day.

A colonel of horse, sixty pounds of tobacco per day.

A lieutenant-colonel of horse, fifty pounds of tobacco per day.

A major of horse, fifty pounds of tobacco per day.

A captain of horse or dragoons, thirty-five pounds of tobacco per day.

A lieutenant of horse or dragoons, thirty pounds of tobacco per day.

A cornet of horse or dragoons, twenty-five pounds of tobacco per day.

A horseman or dragoon, twenty pounds of tobacco per day.

A colonel of foot, fifty pounds of tobacco per day.

A lieutenant-colonel of foot, forty pounds of tobacco per day.

A major of foot, forty pounds of tobacco per day.

A captain of foot, thirty pounds of tobacco per day.

A lieutenant of foot, twenty-five pounds of tobacco per day.

An ensign of foot, twenty pounds of tobacco per day.

A foot soldier, fifteen pounds of tobacco per day.

A look-out, after the rate of two hundred pounds of tobacco per month.

Provided always, and it is the true intent and meaning of this act, That for the pay and allowance given by this act as aforesaid, every horseman and dragoon shall find and provide himself with an horse and horse furniture, arms and ammunition, and every foot soldier shall find and provide himself with a foot soldiers arms and ammunition. Soldiers to provide their own arms and accoutrements

Provido, where
the militia are
not employed
above 4 days.

Provided also, That whensoever any part of the militia raised by virtue of this act shall be discharged again within four days, no pay or allowance shall be given for the same, but every man shall bear his own charge, and that when any part of the militia raised as aforesaid, shall be kept in service above four days, the same shall be paid and allowed for the whole time of service according to the rates directed by this act, any thing in this act before contained to the contrary thereof in any wise notwithstanding.

Pay of artifi-
cers.

And be it further enacted, That every smith, wheel-right, carpenter or other artificer impress by virtue of this act and employed about fixing of arms, making of carriages for great guns, or other work requiring an artificer, shall be paid and allowed by the public after the rates following, to witt: every smith fifty pounds of tobacco per day, and every carpenter, wheel-right or other artificer impressed as aforesaid, forty pounds of tobacco per day, and that every man impress as aforesaid to go in a sloop or boat, shall be paid and allowed by the publick fifteen pounds of tobacco per day.

Of men im-
pressed to go
in boats.

Expresses.

Provided always, and it is the true intent and meaning of this act, That for any message sent according to the directions of this act, either by land or water, allowance shall be made for carrying the same as the law directs for other expresses, and not otherways, any thing in this act to the contrary notwithstanding.

Articles im-
pressed, how
paid for.

And be it further enacted, That the owner or owners of any provisions, conveniencies for land carriage, utensils, tools or instruments, impressed and taken up by virtue of this act, shall be paid and satisfied for the same by the publick according to the respective value thereof by the appraisement, made in pursuance of this act.

Boats, and
sloops, how
paid for, if lost.

And be it further enacted, That the owner or owners of any boat or sloop, impress, taken up, and employed by virtue and according to the directions of this act, shall be allowed and paid by the publick for the use of the same according to the estimate made in pursuance of this act, and in case such sloop or boat be cast away or lost in the service, then the owner or owners thereof shall be paid for the same according to the appraisement made in pursuance of this act, and half the pay for the use.

And be it further enacted. That if any boat or sloop, If damaged.
 imprest, taken up and imployed by virtue and accord-
 ing to the directions of this act, be damnified in the
 service, then satisfaction shall be made to the owner
 or owners thereof, according to the damage received,
 beside the pay for the use.

Provided always, and it is hereby meant and intended, Damage, how
 That all such damage shall be inquired and found by ascertained.
 two indifferent persons upon oath, to be chosen and ap-
 pointed by any justice of the peace within the county
 where the sloop or boat so damnified shall happen to
 be.

And be it further enacted. That this act continue in Limitation of
 force till the thirtieth day of June, which shall be in this act.
 the year of our Lord, one thousand seven hundred and
 eight, and no longer.

And be it further enacted, That all and every other
 act and acts, and every clause and article thereof,
 heretofore made, for so much thereof as relates to any Repealing
 matter or thing whatsoever, within the purview of this clause.
 act, is, and are hereby repealed and made void to all
 intents and purposes, as if the same had never been
 made.

CHAP. XXXII.

An act concerning Juries.

I. **F**OR the more regular inquiry into the breaches
 of penal laws, and trials of matters of fact, in
 the several courts of judicature in this dominion, by
 grand juries and petit juries,

II. *Be it enacted, by the Governor, Council, and Bur-
 gesses of this present General Assembly, and it is hereby
 enacted, by the authority of the same, That every coun-
 ty court, shall cause at least four and twenty freehold-
 ers of their county, to be summoned to appear at May
 court, and November court, in every year; out of
 which, shall be impannelled a grand jury, who shall be
 sworn to make inquiry into the breach of the laws, and
 to make presentment of the offenders: And such grand
 jury having made presentment of all such matters as
 come to their knowledge, shall be discharged at the
 adjournment of the same court; but if they cannot*

Grand juries,
 in county
 courts, when
 to be summon-
 ed.

Hugh Drysdale, Esq.
Governor.

General Assembly,

SUMMONED TO BE HELD AT

Williamsburg, the fifth day of December, anno domini, 1722, in the ninth year of the reign of our sovereign lord George, by the grace of God, of Great-Britain, France, and Ireland, King, defender of the faith, &c. and by writ of prorogation, begun and holden on the ninth day of May, 1723.

See also original
pp. 119, 120

Repealed by
proclamation
Oct. 27, 1724.

CHAP. I.

An Act for laying a Duty on Liquors and Slaves.

CHAP. II.

An Act for the settling and better Regulation of the Militia.

Preamble.

I. **W**HEREAS a due regulation of the Militia is absolutely necessary for the defence of this country, and the act now in force, doth not sufficiently provide for the same,

From the age
of 21 to 60,
liable to mi-
litia duty.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the publication of this act, the colonel, or chief officer of the militia of every county, have full power and authority to list all free male persons whatsoever, from twenty-one to sixty years of age, within his respective county, to serve in horse or foot; having regard to the ability of each person, and to order and place them under the command of such captain as he shall think fit.*

Exemptions.

III. *Provided nevertheless, That nothing herein contained, shall be construed to compel any person or persons that shall be, or shall have been, of his Majesty's*

council in this colony, speaker of the house of burgeses, secretary of this colony, judge of the court of vice-admiralty, his Majesty's attorney-general, a justice of the peace, or any person that shall have born any military commission within this colony, as high as the commission of a captain, or the clerk of the council, for the time being, or the clerk of the general court, for the time being, or any county court clerk, during his being such, personally to appear at any musters: But that all, and every the persons aforesaid, shall and may, and are hereby required, to find and provide one able-bodied white man, a good horse, and such trooper's accoutrements, as are herein after-mentioned, who shall constantly appear and exercise at all musters.

Persons exempted to find substitutes.

IV. *Provided nevertheless*, That nothing herein contained, shall impower or enable any colonel, or commander in chief, to list, or cause to be listed, any minister of the church of England, or the president, masters, professors, or students, of the college of William and Mary, during the time of their being such; or any person being employed as an overseer, and having four or more slaves under his care; or any miller, having a mill under his charge and keeping; or the founders, keepers, or any other persons employed in or about any iron, copper, or lead work, or any other mine, during the time of their being so employed; or any free Negro, Mulatto, or Indian.

Further exemptions.

V. *Provided always*, That such free Negros, Mulattos, or Indians, as are capable, may be listed and employed as drummers or trumpeters: And that upon any invasion, insurrection, or rebellion, all free Negros, Mulattos, or Indians, shall be obliged to attend and march with the militia, and to do the duty of pioneers, or such other servile labour as they shall be directed to perform.

Free negroes, Mulattoes, and Indians, how employed.

VI. *And be it further enacted, by the authority aforesaid*, That if an exempted overseer, or miller, or any free Negro, Mulatto, or Indian, other than as before excepted, shall presume to appear at any muster whatsoever, the party so offending, shall for every such offence, forfeit and pay one hundred pounds of tobacco, and shall immediately give security to the said commanding officer, for payment of the same: Which fine or fines shall be disposed of in such manner, and to such uses as the other fines herein after-mentioned. And

Penalty on certain exempted persons for appearing at musters.

each person failing to pay, or give security, as aforesaid, shall, by order of the said commanding officer, be tied neck and heels, and so remain for any time not exceeding twenty minutes.

Arms, ammunition, &c. to be provided by every soldier.

VII. *And be it further enacted, by the authority aforesaid,* 'That every soldier belonging to the horse, be provided with a good serviceable horse, a good saddle, with breast-plate, crupper, and curb bridle, holsters, and a case of pistols, cutting sword, or cutlace, and double cartouch box, and six charges of powder, and constantly appear with the same at time and place appointed for muster and exercise; and shall keep at his place of abode, a well fixed carbine, with holt and swivel, one pound of powder, and four pounds of shot, and bring the same into the field with him when thereunto specially required. And that every foot soldier be provided with a firelock, musquet, or fuzee, well fixed, and bayonet fitted to such musquet or fuzee, or a good cutting sword or cutlace, a cartouch box, and three charges of powder, and appear constantly with the same, at the time and place appointed for muster and exercise; and shall keep at his place of abode, one pound of powder, and four pounds of shot, and bring the same into the field with him, when thereunto specially required.

Fines for non-attendance, &c.

VIII. *And be it further enacted, by the authority aforesaid,* That whatsoever soldier shall fail to appear at any time and place appointed, or appearing, shall not be furnished and provided with arms and ammunition, as aforesaid, for muster and exercise, or shall not keep at his place of abode, what by this act he is directed, such soldier, for every such failure, shall be fined one hundred pounds of tobacco.

Time allowed for soldiers to furnish themselves.

IX. *Provided always, and be it enacted,* That eighteen months time be given and allowed to each soldier, to furnish and provide himself with arms and ammunition, according to this act; and that no soldier be fined for appearing without, or not having the same at his place of abode, until he hath been listed eighteen months, after the passing of this act; any thing in this act to the contrary, or seeming to the contrary, notwithstanding;—So as every soldier, during the said eighteen months, do appear at all musters with such arms as he is already furnished with.

X. *And be it further enacted, by the authority aforesaid,* That every captain of a troop or company, who shall fail to appear at any muster or musters hereafter to be appointed, or appearing, fail and neglect to exercise the troop or company under his command, every such captain, for every such offence, shall be fined two hundred pounds of tobacco. And every lieutenant, cornet, or ensign, who shall at any time hereafter fail to appear at any such muster, and perform his duty thereat, shall forfeit and pay one hundred pounds of tobacco for every such offence.

Fines on officers.

XI. *And for an encouragement of every soldier to provide and furnish himself, according to the directions of this act, and his security to keep his horse, arms, and ammunition, when provided, Be it enacted, by the authority aforesaid,* That the horses and furniture, arms and ammunition, provided and kept, in pursuance of this act, be free and exempted at all times from being impressed upon any account whatsoever; and likewise, from being seized or taken by any manner of distress, attachment, or writ of execution. And that every distress, seizure, attachment, or execution, made or served upon any of the premises, be unlawful and void: And that the officer or person that presumes to make or serve the same, be liable to the suit of the party grieved; wherein double damages shall be given upon a recovery.

Arms, horses, &c. exempted from execution, or distress.

XII. *And to the end, the militia of this his majesty's colony and dominion, being settled and armed, as aforesaid, may be the better fitted for service, Be it further enacted, by the authority aforesaid,* That the colonel, or chief officer of the militia of every county, once every year at least, cause a muster and exercise of all the troops and companies in his county, at one or more place or places, or oftner, if there shall be occasion:— And that every captain, once in every three months, muster, train, and exercise his troop or company, or oftner, if occasion require. *Provided,* that no officer or soldier be fined above five times in one year.

General muster.

Muster of cavalry.

Limitation of fines.

XIII. *And be it further enacted, by the authority aforesaid,* That all soldiers, during the time they are in arms, shall observe and obediently perform the commands of their officer, relating to their exercise, according to the best of their skill. And if any soldier, as aforesaid, shall, at any such muster, disobey his of-

Disobedience, how punished.

Q—Vol. 4.

fficers' commands; or behave himself disorderly or refractorily thereat, it shall and may be lawful for the chief commanding officer then present, to cause such offender to be tied neck and heels, for any time not exceeding twenty minutes. And if any such soldier shall thereafter offend, it shall and may be lawful for the said commanding officer, by a warrant under his hand, to commit such offender to the county goal, there to remain for any time not exceeding ten days; and that the said offender shall not be thence discharged, until he hath paid and satisfied all fees due, and accustomed for sherifs or goalers to take, upon any commitments and discharges.

Additional punishment for disobedience, in case of invasions, or insurrections.

XIV. *And be it further enacted, by the authority aforesaid,* That if any soldier, upon occasion of an incursion, invasion, insurrection, or rebellion, or other alarm or surprize, shall be summoned to meet at a certain time and place, and shall fail to appear, such soldier shall be fined for his failure, the sum of ten pounds, current money; and the captain of such soldier so failing, is hereby required, at the meeting of the field officers and captains, herein after directed, to give an account, under his hand, of every such failure: And any soldier refusing to obey the lawful commands of his captain, shall and may be committed to the county goal, by warrant under the hand of his said captain, for three months, without bail or mainprize.

Proviso.

Penalty on officers.

XV. *Provided nevertheless,* That the colonel, or commander in chief, have power to release, and discharge him in less time, if he see cause. And if any officer shall fail or neglect to appear on occasion of any such incursion, invasion, insurrection, or rebellion, or other alarm, every such officer, so offending, shall be fined the sum of twenty pounds, current money, for every such failure.

Fines on soldiers, refusing to serve as corporals, &c.

XVI. And forasmuch, as some difficulty hath been found in procuring some soldiers to be willing to serve as serjeants, corporals, drummers, or trumpeters, all of them absolutely necessary in troops and companies: For prevention of the like in time to come, *Be it enacted, by the authority aforesaid,* That whatsoever soldier shall refuse to take upon him, act in, and execute any of the said places and offices, in the troop or company wherein he is listed, being known to be capable, and thereunto appointed by his captain, shall, for such his

refusal, be fined five hundred pounds of tobacco; which being once paid, he shall thereafter be exempted from being fined for any such refusal.

XVII. And to the end, no wilful and obstinate defaulter or offender may escape the penalty inflicted by this act, for his default or offence, *Be it enacted, by the authority aforesaid, and it is hereby enacted,* That all captains of troops and companies within this his Majesty's colony and dominion, be required, and every of them is hereby strictly required and enjoined, at every muster, to take, or cause to be taken, an exact account in writing, of svery such default or offence made or committed in his troop or company, by whom the said default or offence was made or done, and at what time, and to sign the same with his own hand, and deliver it, or cause it to be delivered, to the field officers and captains, at their next meeting for the fining offenders.

Delinquents
to be report-
ed, by cap-
tains.

XVIII. *And be it further enacted, by the authority aforesaid.* That the field officers and captains of every county, or the major part of them, whereof the colonel, lieutenant-colonel, or major, shall be one, have full power and authority to meet yearly, at the courthouse in their respective counties, on the first Thursday in October; or, in case of failure in meeting that day, on the next Thursday following, to inspect the several lists or accounts given in by the captains, as aforesaid; and thereupon to fine every defaulter or offender therein charged, according to the directions of this act.

Courts mar-
tial.

XIX. *Provided always,* That nothing in this act contained, be construed to give any power or authority to the said field officers and captains, to meet or act, as aforesaid, at any other place or times, than the place and times aforesaid; or to fine any defaulter or offender for any default or offence whatsoever, by or against this act, which hath been made or done above a year; any thing herein before contained to the contrary, in any wise, notwithstanding.

Limitation of
fines.

XX. And, because several persons may happen to be charged with a default or offence in their captains said lists or accounts, who are not wilfully guilty thereof, or may have a fair and just excuse for their not complying with this act: For remedy in such cases, *Be it enacted* That whensoever any officer or soldier, charged with any default or offence, as aforesaid, can and

Excuses,
when to be
admitted.

doth shew forth to the said field officers and captains, at their meetings to fine offenders, as aforesaid, such matter and cause that he ought not to be fined for the same, as they shall judge reasonable, it shall be lawful for the said field officers and captains, and they are hereby required to admit of such officer's and soldier's excuse, and to lay no fine upon him for such default or offence; any thing in this act contained to the contrary, notwithstanding.

Fines levied
by distress.

If no proper-
ty; an execu-
tion against
the body
may issue.

XXI. *And be it further enacted, by the authority aforesaid,* That where any person on whom any fine shall be laid or assessed, by virtue of this act, by the said field officers and captains, shall fail or refuse to pay the same to the sheriff, in specie, upon sight of a copy of their order, in such case, the sheriff is hereby required to apply to the chief commanding officer, residing in the county, who thereupon is hereby empowered and required to make out his warrant, directed to the said sheriff, empowering and commanding him to levy the same by distress and sale of the offender's goods, and make return of his proceedings, to the clerk attending the said officers at their meeting, to be by him entred on the register. And if, upon such warrant, the sheriff shall return, that he can find no goods whereon to make distress, then it shall and may be lawful, to and for the chief commanding officer residing in the county, and he is hereby authorized and required, by warrant under his hand, directed to the sheriff, to cause the body of the said offender to be committed to the county goal, without bail or mainprize, until he shall satisfy the same fine, and all fees incident, in the same manner, as in executions served at common law.

Clerk of
court martial,
how appoint-
ed and paid.

XXII. *And be it further enacted, by the authority aforesaid,* That the said field officers and captains have full power and authority to appoint and employ a clerk to attend them at their said meetings, and to keep a register of all their proceedings; and to allow the said clerk such salary, for his said service, and for providing necessary books and paper for their use, as in their discretion they shall think fit and reasonable, and to pay the same out of the penalties and fines accruing by this act.

Fines, how
appropria-
ted.

XXIII. *And be it further enacted, by the authority aforesaid,* That the said field officers and captains, at their meetings, as aforesaid, have full power and au-

thority to order and dispose of the fines, penalties, and forfeitures mentioned in this act, in such manner as in their discretions shall seem best, for paying therewith a clerk, as aforesaid, and for furnishing the several troops and companies belonging to the county, with necessary drums, colours, trumpets, leading-staffs, par-tizans, and halberts, and after all those, for providing arms and ammunition for the county's use.

XXIV. *And be it further enacted, by the authority aforesaid,* That every captain of a troop or company within this colony, be permitted and allowed to take one of the soldiers under his command, to be clerk to his troop or company: And that such clerk, in consideration of his service in that respect, be excused from carrying arms at any muster, except in case of a rebellion, or an invasion; any thing in this act, to the contrary, notwithstanding.

Clerks of cavalry, how appointed.

XXV. *And be it further enacted, by the authority aforesaid,* That every commission-officer in the militia, shall, before he acts under, or executes any such commission, in the court of his county, take the oaths appointed by law to be taken, instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the test; and that every colonel, lieutenant-colonel, major, and captain, at the time of their meeting to fine offenders, shall also take the following oath, to wit:

Oaths and test.

I A. B. do swear, That I will do equal right and justice to all men, to the best of my judgment, according to the directions of the act, intituled, An act for the settling and better regulation of the militia.

Oath of courts martial.

Which oath shall be first taken by the presiding officer then present, and shall by him be administred to the rest of the said officers.

XXVI. *And be it further enacted and declared,* That nothing in this act contained, shall hinder or debar any captain from admitting any able-bodied white person, who shall be above the age of sixteen years, to serve in his troop or company, in the place of any person required by this act to be listed.

Substitutes.

XXVII. *And be it further enacted, by the authority aforesaid,* That the act of assembly, made in the fourth year of the reign of our late sovereign lady Queen Anne,

Repealing clause.

intituled, An Act for settling the Militia, be, and is hereby repealed, and made void, to all intents and purposes.

CHAP. III.

An Act for reviving the Act, intituled, An Act for security and defence of the country in times of danger.

CHAP. IV.

[From edit.
1733, p. 339.]

An Act directing the trial of Slaves, committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of Negros, Mulattos, and Indians, bond or free.

Preamble.

I. **W**HEREAS the laws now in force, for the better ordering and governing of slaves, and for the speedy trial of such of them as commit capital crimes, are found insufficient to restrain their tumultuous and unlawful meetings, or to punish the secret plots and conspiracies carried on amongst them, and known only to such, as by the laws now established, are not accounted legal evidence: And it being found necessary, that some further provision be made, for detecting and punishing all such dangerous combinations for the future,

II. *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That if any number of negros, or other slaves, exceeding five, shall at any time hereafter consult, advise, or conspire, to rebel or make insurrection, or shall plot or conspire the murder of any person or persons whatsoever, every such consulting, plotting, or conspiring, shall be adjudged and deemed felony; and the slave or slaves convicted thereof, in manner herein after directed, shall suffer death, and be utterly excluded the benefit of clergy, and of all laws made concerning the same.*

Slaves above the number of five, conspiring to rebel, or make insurrection, or plotting the murder of any person, felony, without clergy.

drawn out of his hands by any act or acts, order or orders of assembly, or warrants under the hand of the governor or commander in chief, for the time being, pursuant to the powers lodged in such governor: And that the receipt or receipts of the said John Holloway, for such sum and sums, as the said Peter Beverley, esquire, shall pay him, shall be sufficient discharges to and for him the said Peter Beverley, esquire, his heirs, executors, and administrators, and every of them, for all and every such sum or sums of money so paid by him; any act or acts heretofore made to the contrary, or seeming to the contrary, notwithstanding. And the governor or commander in chief, for the time being, is hereby impowered and desired, from time to time, as occasion shall be, to issue his warrant or warrants, directed to the said John Holloway, now treasurer, for the payment of the several salaries of the burgesses, and other charges of this assembly, and all other payments to be made, by any act or order of this assembly, and not paid or discharged by the said Peter Beverley, esquire: All which warrants, the said John Holloway is hereby impowered and required to obey and discharge, and to account, upon oath, to the next general assembly, of and for all and every such sum and sums of money, as he shall at any time, by virtue of this act, receive from the said Peter Beverley, esquire, or by his order, and of all payments by him the said John Holloway to be made: And this to be done without any fee, reward, or allowance, for so doing.

CHAP. IX.

An Act for raising a Public Levy.

CHAP. X.

An Act for enlarging the jurisdiction of the Court of Hustings, in the City of Williamsburg, within the limits thereof.

Recital of the
charter of
the 28th of
July, 1722.

I. **W**HEREAS, your Majesty, by your letters patents, bearing date the twenty-eighth day of July, in the eighth year of your reign, under the seal of

this your Majesty's most ancient colony and dominion of Virginia, hath been graciously pleased to grant unto the inhabitants of Williamsburg, your Majesty's chief town in the said colony, that the same shall be a city incorporate, consisting of a maior, one person learned in the law, stiled and bearing the office of recorder of the said city, six aldermen, and twelve common council men of the said city: And, among other things, your Majesty hath been pleased, by your said roial charter, to grant, that the said maior, recorder, and aldermen, and their successors, or any four or more of them, of which the said maior, recorder, or the last preceding maior shall be one, shall hold a court of hustings once in every month, within the said city; and shall have jurisdiction and hold plea of trespass and ejectment, and of all writs of dower for any lands and tenements within the said city, and of all other actions personal and mixt, arising within the said city: And as a court of record, may give judgment, and award execution thereon, according to the laws and statutes of England, and of the said colony: *Provided*, the demand in the said action, personal or mixt, do not exceed twenty pounds current money, or four thousand pounds of tobacco. And whereas, the peace and good government of the said city, do very much depend upon a due regulation of the ordinaries and public houses, and the well ordering of servants and apprentices, within the said city, whereof the said court hath not at present competent jurisdiction: May it therefore please your most excellent Majesty, that it be enacted,

II. *And be it enacted, by his Majesty's Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and by the authority of the same, That from and after the passing this act, the said court of hustings shall have the same power over the ordinaries and public houses within the said city, as well in granting licences, as in any other matter or thing; and shall and may hear and determine all complaints of masters, servants, and apprentices, within the said city, in the same manner as the courts of the counties of York and James City, respectively, now have or do; any act heretofore made to the contrary notwithstanding.*

III. *And for the more easy und speedy proceeding in the examination and commitment of persons committing capital crimes, or other offences, triable in the*

Power of court of hustings, as to ordinaries.

In prosecutions, for criminal offences.

general court, within the said city, *Be it further enacted, by the authority aforesaid,* That it shall and may be lawful, to and for the maior, recorder, and aldermen of the said city, or any three of them, whereof the said maior, recorder, or last preceding maior, shall be one, to take the examination of any person or persons whatsoever, suspected of having committed any capital crime, or other offence, triable in the general court, or courts of oier and terminer; and upon such examination, if they see cause, by mittimus under their hands, to commit such offender or offenders to the public goal of the said city. And the keeper thereof is hereby required to receive the body of such offender so committed, or by recognizance, to bind such offender or offenders, personally to appear before the next general court, on the fourth day thereof, or the next court of oier and terminer, and not to depart thence without leave of the said courts respectively; and also to summon and bind all such person or persons, as they shall think to be material witnesses against such offender or offenders, to appear personally before the said general court, on the said fourth day, or the said court of oier and terminer, then and there to give evidence against such offender or offenders.

Inhabitants
not compellable to perform militia
duty out of
the county.

IV. And whereas it may happen, that the chief magistrates, and other inhabitants of the said city, may be listed and compelled to serve under the command of the officers of the militia, in the counties of James City, and York, respectively, without the said city; and forasmuch as the same may be very inconvenient, and may render the governor's house, public magazine, and capitol, in the said city, defenceless in times of danger, *Be it further enacted, by the authority aforesaid,* That no inhabitant of the said city, capable of serving in the militia, shall hereafter be compellable to make his or their appearance at any muster of the militia, hereafter to be had or taken, out of the said city: But all and every such inhabitant and inhabitants (except the maior, recorder, and aldermen of the said city) shall be listed and trained, according to the laws of this colony, under the command of one or more person or persons, of the principal inhabitants of the said city, as shall be thereunto commissioned by the governor or commander in chief of this colony, for the time being; and such persons so listed and trained.

shall not be compelled to go out of the said city, on any military service, without the express order of the governor or commander in chief of the said colony and dominion, for the time being, or, in his absence, without the order of the said maior, recorder, and aldermen, or the major part of them. And the said maior, recorder, and aldermen, or the major part of them, in their said court of hustings, upon the complaint of any officer or officers appointed to command the militia within the said city; and upon sufficient proof, shall and may give judgment against any person or persons listed under the command of such officer or officers, for the fines which such person or persons shall be liable to, by means of his or their not appearing, or not doing his or their duty at any muster, or upon any other service within the said city; and may also issue warrants for levying such fines as the officers of the militia, in the respective counties of this colony, may or do.

And this act is hereby declared to be a public act; and as such, shall be construed, deemed, and taken. This a public act.

CHAP. XI.

An Act for dividing Saint Stephen's Parish, in the County of King and Queen.

CHAP. XII.

An Act for dissolving the Parish of Wilmington, in the Counties of James City and Charles City; and adding the same to other parishes.

CHAP. XIII.

An Act for confirming the title of John Fox, gentleman, to certain Lands formerly purchased of the Pamunky Indians.

XXX. *And be it further enacted, by the authority* Limitation of this act.
aforesaid, That this act shall be in force from the said
fifteenth-day of April, one thousand seven hundred and
twenty eight, for and during the space of four years
then next ensuing, and from thence to the end of the
next session of assembly.

CHAP. IV.

An Act for the better and more effectual improving the
Staple of Tobacco.

Repealed, ch.
 1, 1730.

CHAP. V.

See also original
 p. 198

An Act for making more effectual provision against
Invasions and Insurrections.

I. **W**HEREAS the frontiers of this dominion, be- Preamble.
 ing of great extent, are exposed to the inva-
 sions of foreign enemies, by sea, and incursions of In-
 dians at land, and great dangers may likewise happen
 by the insurrections of negros, and others; for all which,
 the militia, now settled by law, is the most ready de-
 fence. And forasmuch, as the militia of those coun-
 ties, where any of the dangers aforesaid shall arise, [9Geo.1,c.2.]
 must necessarily be first employed, and may, by the di-
 vine assistance, be able to suppress and repel such in-
 surrections and invasions, without obliging that of the
 other counties to be raised: And it being reasonable,
 that such services as shall be performed by any part of
 the said militia, be rewarded at the public charge,

II. *Be it enacted by the Lieutenant-Governor, Coun- Invasions*
cil, and Burgesses, of this present General Assembly, and and insurrec-
it is hereby enacted, by the authority of the same, That tions, militia
upon any invasion of an enemy by sea or land, or upon how raised
any insurrection, the governor, or commander in chief and disbanded.
of this dominion, for the time being, have full power
and authority to levy, raise, arm, and muster, such a
number of forces, out of the militia of this colony, as
shall be thought needful for repelling the invasion, or
suppressing the insurrection, or other danger, and the
same to lead, conduct, march, transport and employ,
or by his lieutenants, commanders, or other officers, by

him to be commissioned, to cause to be led, conducted, marched, transported, and employed, as well within the several counties and places to which they belong, as into any other the counties and places within this dominion, for the suppressing of all such insurrections, and repelling of all such invasions by sea or land; and such forces again to discharge and disband, as the cause of danger ceases, for which they were so raised.

Power and
duty of officers.

III. *And be it further enacted, by the authority aforesaid,* That every officer of the militia, to whom notice shall be given of any insurrection or invasion, shall have full power and authority, by virtue of this act, and is hereby required, forthwith to raise the militia under his command, and to send immediate intelligence to the county-lieutenant, and in his absence, to the chief commanding officer residing in the county, and to the next militia officer in the same county, informing them at the same time in what manner he intends to proceed; and shall, in the mean time, keep the militia, under his command, under arms, until he receives orders from his superior officer. And every county lieutenant, or chief commanding officer in any county, to whom such intelligence shall be given of any insurrection or invasion, shall forthwith dispatch an express to the governor, or commander in chief of this dominion for the time being, notifying the danger; and shall therewith signify, in the best manner he can, the strength and motions of the enemy. And for that purpose such county-lieutenant, or other commanding officer hath hereby full power to impress boats and hands, men and horses, as the service may require, for the dispatch of such intelligence. And until orders shall arrive from the governor, shall draw together the militia of his county, in such place or places, as he shall judge most convenient for opposing the enemy.

Impressments of
boats, &c.

Of provisions
waggons, &c.
sailors, artificers, &c.

IV. *And be it further enacted,* That upon raising or continuance of forces, as aforesaid, it shall and may be lawful, by warrant under the hand and seal of any county-lieutenant, colonel, lieutenant colonel, or major, commanding any part of the same, to impress and take up necessary provisions, of and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackle, furniture, and apparel belonging; there-

unto; and also all manner of carts, waggons, draught horses or oxen, or other conveniencies, for the land carriage of provisions, great guns, arms and ammunition, from place to place; and likewise to impress and take up any manner of utensils, tools, or instruments, which shall or may be wanting for digging or intrenching, or towards the mounting the great guns, and making them useful: And further, that it shall and may be lawful, by warrants as aforesaid, to impress able and fit men to go in sloops and boats; and also to impress any smith, wheelwright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, and making of carriages for great guns, or for doing any other work whatsoever, where need shall be of such artificer.

V. *Provided always, and be it enacted by the authority aforesaid,* That it shall not be lawful to make use of any provisions, utensils, tools, or instruments, impressed and taken up, as aforesaid, until appraisement hath been made thereof, in tobacco, by two good and lawful men, upon oath; nor of any boat or sloop, cart, waggon, horses, or oxen, until appraisement hath been made of the same, as aforesaid, with the several appurtenances belonging thereunto: And also an estimate made by the same men, of a suitable allowance in tobacco, by the day, for the use of the said boat or sloop, cart or waggon, with the draught horses or oxen thereunto belonging. And every person impressing or taking up any of the particulars aforesaid, is hereby required to take care that an appraisement and estimate be made, as aforesaid; and to give a receipt to the owner, of every particular by him impressed and taken up; with an account therein, how the same was appraised, and how estimated, and for what use and service impressed and taken up, upon pain of being liable to the action of the party grieved, for an unlawful seizure.

VI. And for the better discovery of the approach of enemies by sea.

VII. *Be it enacted,* That in each of the counties of Elizabeth City, Princess Anne, and Northampton, at such times and places as the governor, or commander in chief of this dominion, shall think fit to direct, one man be appointed by the chief officer of the militia, residing in each of the said counties, respectively: Which men shall keep a constant look-out to seaward, by night and

Appraise-
ment of im-
pressed arti-
cles.

Look-outs
appointed.

Their duty.

by day, and diligently observe the courses and motions of all such ships or vessels, as they, or either of them, shall discover upon the coast: And if, upon such observation, such person shall suspect the said ships or vessels to belong to an enemy, he shall immediately give notice thereof, to the next field officer in his county; who is thereupon to transmit an account thereof to the governor, or commander in chief of this dominion, for the time being, and the county lieutenant, or to the chief commanding officer of the militia in the said county.

Pay of officers and soldiers.

VIII. *And be it further enacted*, That there shall be raised, and paid by the public, to the officers and soldiers which shall be drawn out into actual service by virtue of this act, and to the look-outs which shall be appointed in the manner aforesaid, after the rates following, viz:

A county lieutenant, or commander in chief,	70	Pounds of Tobacco, per day.
A colonel of horse,	60	
A lieutenant-colonel of horse,	50	
A major of horse,	50	
A captain of horse,	30	
A lieutenant of horse,	30	
A cornet of horse,	25	
A quarter master,	25	
A corporal,	22	
A trumpeter,	22	
A horseman,	20	
A colonel of foot,	50	
A lieutenant colonel of foot,	40	
A major of foot,	40	
A captain of foot,	30	
A lieutenant of foot,	25	
An ensign of foot,	20	
A sergeant of foot,	18	
A drummer,	18	
A foot soldier.	15	

A look-out after the rate of two hundred pounds of tobacco per month.

Horses, arms, &c. to be provided by militia.

IX. *Provided always, and it is the true intent and meaning of this act*, That for the pay and allowance given by this act, as aforesaid, every horseman shall find and provide himself with a horse and horse-furniture, arms, and ammunition; and every foot soldier

shall find and provide himself with a foot soldier's arms, and ammunition.

X. *Provided also*, That whensoever any part of the militia, raised by virtue of this act, shall be discharged again, within two days, no pay or allowance shall be given for the same, but every man shall bear his own charge: And that when any part of the militia raised, as aforesaid, shall be kept in service above two days, the same shall be paid and allowed for the whole time of service, according to the rates directed by this act; any thing in this act before contained to the contrary thereof, in any wise, notwithstanding. When no pay allowed.

XI. *And be it further enacted*, That every smith, wheelwright, carpenter, or other artificer, impressed by virtue of this act, and employed about fixing of arms, making of carriages for great guns, or other work requiring an artificer, shall be paid and allowed by the public, after the rates following, viz: Every smith, fifty pounds of tobacco per day; and every carpenter, wheelwright, or other artificer, impressed as aforesaid, forty pounds of tobacco per day; and that every man impressed as aforesaid, to go in a sloop or boat, shall be paid and allowed by the public, fifteen pounds of tobacco per day. Pay of artificers and sailors.

XII. *Provided always, and it is the true intent and meaning of this act*, That for any message sent, according to the directions of this act, either by land or water, allowance shall be made for carrying the same, as the law directs for other expresses, and not otherwise; any thing in this act to the contrary, notwithstanding. Messengers. [4 Ann, c. 54.]

XIII. *And be it further enacted*, That the owner or owners of any provisions, utensils, tools or instruments, impressed and taken up, by virtue of this act, shall be paid and satisfied for the same by the public, according to the respective values thereof, by the appraisement made, in pursuance of this act. Provisions, tools, &c. how paid for.

XIV. *And be it further enacted*, That the owner or owners of any boat or sloop, cart or waggon, with horses or oxen, impressed, taken up, and employed, by virtue and according to the directions of this act, shall be allowed and paid by the public, for the use of the same, according to the estimate made, in pursuance of this act: And in case, such sloop or boat be cast away or lost, or any cart, waggon draught horse, or ox, de- Boats, waggons, &c. If lost.

stroied or killed in the service, then the owner or owners thereof, shall be paid for the same, according to the appraisement made, in pursuance of this act. and half the pay for the use.

If damaged.

XV. *And be it further enacted*, That if any boat or sloop, cart, or waggon, impressed, taken up, or employed, by virtue and according to the directions of this act, be damnified, or any horse or ox hurt or disabled in the service, then satisfaction shall be made to the owner or owners thereof, according to the damage received, besides the pay for the use.

Damage, how ascertained.

XVI. *Provided always, and it is hereby meant and intended*, That all such damage shall be inquired and found, by two indifferent persons, upon oath, to be chosen and appointed by any justice of the peace within the said county where the said sloop or boat, cart or waggon, so damnified, or horse or ox hurt or disabled, shall happen to be.

Patrols, when and how ordered.

XVII. And whereas, great danger may happen to the inhabitants of this dominion, from the unlawful concourse of negros, during the Christmas, Easter, and Whitsuntide holidays, wherein they are usually exempted from labour.

Their power and duty.

XVIII. *Be it enacted, by the authority aforesaid*, That it shall and may be lawful, to and for the county-lieutenant, or other commanding officer of the militia, in any county within this dominion, and he or they are hereby impowered, from time to time, as there shall be occasion, to appoint and direct such and so many of the militia of their respective counties, to be drawn out, and to patrolle in such places as such commanding officer shall think fit to direct, and from time to time, to cause to be relieved by other parties, for dispersing all unusual concourse of negroes, or other slaves, and for preventing any dangerous combinations which may be made amongst them at such meetings: Which said parties, so sent out to patrolle, as aforesaid, shall have full power and authority to take up any slaves which they shall find convened together, contrary to the directions of an act made at a general assembly, held at the capitol, the ninth day of May, one thousand seven hundred and twenty three, intituled, *An act directing the trial of slaves committing capital crimes; and for the more effectual punishing conspiracies and insurrections of them; and for the better government of negros, mu-*

[9 Geo. I, c. 4.]

tattos, and Indians, bond or free: And such slaves so taken up, to deliver to the next constable, in order to be dealt with as the said act directs. And if any parties of the militia be employed in this service, for above the space of two days at any one time, such militia shall be paid for all that time they shall be so employed, according to the rates herein before mentioned.

XIX. And, forasmuch as it is necessary, that a sufficient number of men be appointed, for guarding the batteries erected in the several rivers, within this dominion, and for assisting in that better managing the great guns there mounted, in times of danger,

XX. *Be it enacted,* That it shall and may be lawful, to and for the governor or commander in chief of this dominion, for the time being, to appoint and assign such a number of the militia, residing next to the several batteries, respectively, as he shall think fit, to attend the said batteries, under the command of such officer or officers, and under such order and discipline, as the said governor or commander in chief shall appoint and direct: Which said militia, so assigned for the service aforesaid, shall from thenceforth be exempted from all private musters, except at the said battery only; any law, or custom to the contrary, in any wise, notwithstanding.

XXI. And, whereas it may be needful, in time of danger, to arm part of the militia, not otherwise sufficiently provided, out of his majesty's magazine, and other stores, within this colony,

XXII. *Be it enacted, by the authority aforesaid,* That if any person or persons, so to be armed out of his majesty's stores, as aforesaid, shall detain or imbezzle any arms, accoutrements, or ammunition, which shall be delivered to him for the services aforesaid, when he shall be thereunto required, it shall and may be lawful, to and for the respective county-lieutenants, or other chief commanding officer, residing in the said county, by warrant under his or their hands, respectively, to cause to be imprisoned such person or persons, till he or they have made satisfaction for the arms, accoutrements, or ammunition, so by him or them detained or imbezzled.

Limitation
of this act,

XXIII. *And be it further enacted, by the authority aforesaid, That this act shall commence and be in force, from and after the passing thereof, for and during the space of five years. And that one act of assembly, made in the fourth year of the reign of our late sovereign lady, queen Anne, intituled, An act for security and defence of the country, in times of danger; which, by another act, made at a general assembly, held at the capitol, the twelfth day of May, one thousand seven hundred and twenty six, intituled, An act for reviving and continuing two acts of assembly, therein mentioned, was continued, and made in force, until the twelfth day of May, in the year of our lord one thousand seven hundred and twenty eight; be from henceforth repealed, and made void, to all intents, constructions, and purposes, as if the same had never been made.*

CHAP. VI.

An Act for the better support of the Clergy of this Dominion; and for the more regular collecting and paying the Parish Levies.

Preamble.

I. **W**HEREAS the laws now in force, for the support of the clergy, and for the appropriating glebes, and building houses for their accommodation, by reason of some ambiguities therein, have occasioned divers disputes and controversies: And where also, since the making the said laws, divers parishes within this dominion, through the increase of inhabitants, and the taking up of new lands, are become of very large extent; whereby the tobacco levied for defraying of parish charges, cannot be collected, and made convenient, for the salary and allowance heretofore settled and appointed: For remedying whereof,

Salary of
ministers.

II. *Be it enacted, by the Lieut. Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That every minister, now preferred, or hereafter to be preferred to, or received into any parish, within this dominion, shall have and receive an annual salary of sixteen thousand pounds of tobacco, of the growth of such parish, and cask: To be levied, assessed, collected, and paid, in manner herein after directed.*

broakage, soliciting, or procuring, the loan or forbearing of any sum or sums of money, over and above the rate or value of five shillings, for the loan or forbearing of one hundred pounds for a year, and so rateably; or above one shilling, for making or renewing the bond or bill, for loan or for forbearing thereof; or for any counter bond or bill concerning the same; shall forfeit, for every such offence, twenty pounds of lawful money: The one moiety of all which forfeitures, to be to our sovereign lord the king, his heirs and successors, for and towards the support of this government, and the contingent charges thereof; and the other moiety to him or them that will sue for the same, by action of debt, bill, plaint, or information, in any court of record within this his majesty's colony and dominion; wherein no essoin, protection, or wager of law, shall be allowed.

CHAP. XII.

See also original
pp. 298, 299

An Act to exempt the Inhabitants of any County, wherein any Iron-Works are or shall be erected, from clearing or repairing the Roads leading to and from the same; for making satisfaction to the Owners of any Lands lying contiguous to such Roads, for the timber which shall be taken, for making or repairing Bridges in such Roads: And for giving further encouragements to adventurers in Iron-works.

Recital of
act of 1727.

I. WHEREAS, in and by one clause of an act of the general assembly of this colony, begun and held at the capitol in the city of Williamsburg, the first day of February, in the first year of the reign of our sovereign lord king George the second, and in the year of our lord one thousand seven hundred and twenty seven, intituled, An Act for encouraging adventurers in Iron-Works, It is enacted, by the authority of the said general assembly, that the justices of the peace respectively, in any county in which any iron work is or shall be erected, shall, upon application to be made, by the owner or owners, or chief manager, of such work, order and appoint good roads to be laid out and made, from such works to the nearest place upon some navigable river, or creek, where the iron made at such works may be brought and shipped off; and for bring-

ing stone and other materials, for the erecting and carrying on such work, before the same shall be finished, from thence; and shall also order such convenient causeways and bridges, as shall be necessary, for carts, waggons, or any other wheel carriages whatsoever, to pass in such roads, to and from such iron-works, with the most ease that can be: And such highways and bridges shall, during the time such iron-works shall be maintained, be repaired and amended, in the same manner, and under the same penalties and forfeitures, that other highways and bridges in this colony, are to be repaired and amended: Which recited clause of the said act of the general assembly is found, in sundry respects, to be burthensome and grievous to divers of the inhabitants of this colony, in the counties where iron-works are erected:

II. Therefore, to remove such burthens and hardships, and to prevent the like for the future, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That from and after the passing of this act, all persons whatsoever, other than the persons employed in such iron-works already erected, or hereafter to be erected, shall be exempted and discharged from clearing and repairing all roads, bridges, and causeways, laid out, erected, and made, pursuant to the directions of the aforesaid act of assembly; and shall also be exempted and discharged from laying out, making, clearing and repairing all roads, which shall hereafter be appointed by the county courts, for the benefit and conveniency of such iron-works, and from the making and repairing all bridges and causeways in such roads; any thing in the same, or any other act of assembly, to the contrary thereof in any wise, notwithstanding.

Privilege of persons employed in iron-works.

III. *Provided nevertheless, and it is the true intent and meaning of this act,* That all roads which heretofore have, or hereafter shall be ordered by the general court, or county court, to be laid out, and cleared, for the use and conveniency of the inhabitants of the country or county, shall be cleared and maintained by the surveyors appointed by the courts, and the inhabitants contiguous thereto.

Public roads.

IV. And for the better enabling adventurers in iron-works, to carry on the same, *Be it further enacted, by*

Timber for, & for bridges, may be taken.

the authority aforesaid, That the owners or chief managers of such works respectively, have full power and authority from time to time, to cut down, take, and use so much wood and timber adjoining, or contiguous to the roads already laid out, or which shall hereafter be appointed, for the benefit and conveniency of such iron-works, by the county courts, pursuant to the directions of the aforesaid act of asseably, as shall be necessary for the making and repairing convenient bridges on the said roads.

V. *Provided always*, That such owner, or chief manager, shall make satisfaction to the proprietors of such timber, as shall exceed fifteen inches in diameter, at the butt end of the tree: And that in case, the value thereof, cannot be agreed upon, between the owner, or chief manager, of any such iron work, and the proprietor of such timber, or his or her attorney; then, upon application made by such proprietor, or his or her attorney, to any justice of the peace of the county, wherein such timber shall be taken, the said justice is hereby impowered and required, to order and appoint three honest, disinterested freeholders of such county, to value the same on oath in current money, without fee or reward; and report such valuation to the said justice, or some other justice of that county: And such owner or chief manager of such iron-work, shall, thereupon be compellable to pay such valuation to the proprietor of such timber, or his or her attorney.

VI. *Provided also*, That nothing in this act contained, shall be construed, deemed, or taken, to give liberty to any owner or chief manager, of any such iron-work, to cut down, take, or use any timber that shall be fit to make clap-boards, without the consent of the proprietor thereof first had and obtained.

VII. And as a further encouragement to adventurers in iron-works, *Be it enacted, by the authority aforesaid*, That all persons whatsoever, which, from and after the passing this act, shall be employed in and about the building and carrying on such iron-work, or the cutting of wood, making of coal, raising of oar, or any other thing necessary, for the carrying on, and compleating such design, during the time of their being so employed, be exempted from serving in the militia, at any general or private muster, except in the case of an invasion, insurrection, or rebellion. And that all and

When it shall
be paid for.

Certain tim-
ber exempt-
ed.

Workers in
iron exempt-
ed from mili-
tia duty.

every person and persons now employed, or hereafter to be employed, in manner aforesaid, in and about any iron-work already erected, shall, during the time of their being so employed, be exempted and discharged from service in the militia, at any such muster, (except as before is excepted.)

VIII. *And be it further enacted, by the authority aforesaid,* That from and after the passing of this act, all tithable persons that shall be employed in and about the building and carrying on any such iron-work, or the cutting of wood, making of coal, raising of oar, or any other thing, necessary for the carrying on, and completing such design as aforesaid, shall be subject to the payment of parish and county levies. And that all such tithable persons as shall be so employed in any such iron-works already erected, shall for the term of seven years next after the passing of this act, be exempted and discharged from the payment of public levies. And that all such tithable persons as shall be employed in manner aforesaid, in any iron-works hereafter to be erected, shall, for the like term of seven years, from and after the beginning of such works respectively, be likewise exempted and discharged from the payment of public levies; any thing in the aforementioned act of assembly, to the contrary hereof, notwithstanding.

Levies to be paid by them and repaid by the public.

IX. *Provided nevertheless,* That the adventurers in such iron-works as are already erected, shall, for the term of seven years, next after the passing of this act, be allowed, and have credit in the public levy, for so much tobacco, as such parish and county levies shall amount unto: And that the adventurers in such iron-works as shall hereafter be erected, shall, for the like term of seven years, from and after the beginning of those works respectively, have the like allowance and credit in the public levy.

Proviso.

X. *Provided also,* That the persons hereby intended to be entitled to the aforesaid exemption from public levies, and to the allowance and credit aforesaid, shall have, receive and enjoy the same, under the like provisos and restrictions as are mentioned and expressed in the act of assembly aforesaid, and annexed to the exemption thereby granted, from the payment of levies; and not otherwise.

Further proviso.

Confirma-
tion of for-
mer act.

XI. *And be further enacted, by the authority aforesaid, That the aforesaid act of assembly, intituled, An Act for encouraging Adventurers in Iron Works, for so much thereof as is not in and by this present act altered, or made void, be, and the same is, hereby confirmed and established.*

CHAP. XIV:

An Act to revive the Act for supply of certain defects found in an Act prescribing the method for appointing Sherifs.

Former act
made perpe-
tual.

I. **W**HEREAS it hath been found by experience, that one act of assembly made in the seventh year of the reign of our late sovereign lord king George the first, intituled, An Act for the supply of certain defects found in an act prescribing the method for appointing Sherifs, is very useful and necessary; and it is since determined and expired :

II. *Be it therefore enacted, by the Lieut. Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said act, made in the said seventh year of the reign of our said late lord the king, and every the clauses, articles, and sentences therein contained, shall be, and are hereby revived, and made perpetual.*

CHAP. XV.

An Act for raising a Public Levy.

Taxes for
1730.

I. **B**E it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the sum of ten pounds and an half pound of tobacco, be paid by every tithable person, not exempted therefrom by law, within this his majesty's colony and dominion of Virginia, for the defraying and payment of the public charge of the country; being the public levy, from the first day of February, one thousand seven hundred and twenty seven, to the one and twentieth day of May, one thousand seven hundred and thirty.

CHAP. XXII.

An Act, to prevent the Inhabitants of the Borough of Norfolk, from being compelled to serve in the Militia of the County of Norfolk; and to exempt Sailors or Seamen, in actual pay on board any Ship or Vessel, from serving in the Militia.

I. **W**HEREAS, the chief magistrates, and other inhabitants, of the borough of Norfolk are now listed, and compelled to serve, under the command of the officers of the militia, in the county of Norfolk, without the said borough: And forasmuch, as the same may be very inconvenient, and may render the said borough defenceless in time of danger,

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same.* That no inhabitant of the said borough shall hereafter be compellable to make his or their appearance at any muster of the militia, out of the said borough, or the limits thereof: But all and every such inhabitant and inhabitants, shall be listed and trained within the said borough, or the limits thereof, according to the laws of this colony, under the command of such person or persons as shall be appointed for that purpose, by the governor, or commander in chief, of this colony, for the time being: And such persons so listed and trained, shall be liable to the same fines, penalties, and punishments, for not attending at musters; or for not doing their duty at such musters, as soldiers listed in the militia of the county, are, or shall be subject to.

III. *Provided always,* That such person shall not be compelled to go out of the said borough, on any military service, without the express order of the governor, or commander in chief, of the said colony and dominion, for the time being; or in case of any invasion or insurrection, without the express order of the lieutenant of the county of Norfolk.

IV. *And be it enacted, by the authority aforesaid.* That the maior, recorder, and aldermen, of the said borough, or the major part of them, in their court of hustings, to be held yearly, in October, upon the complaint of any officer or officers appointed to command the militia, within the said borough, upon sufficient

L—Vol. 5.

proof, shall and may give judgment against any person or persons listed under the command of such officer or officers, for the fines which such person or persons shall be liable to, by means of his or their not appearing, or not doing his or their duty at any muster, or upon any other service, within the said borough: Which fines shall and may be levied and appropriated by the said court, in the same manner, as the fines, by the judgment or sentence of any court-martial, are, shall, or may be levied and appropriated.

V. And whereas, divers of the inhabitants of this colony, are employed as sailors or seamen, on board ships and other vessels, and the compelling them to serve in the militia, during the time they are employed in such service, would be a very great inconveniency and prejudice to trade,

VI. *Be it therefore further enacted, by the authority aforesaid,* That no person, who shall be employed as a sailor or seaman, on board any ship or vessel, within this colony, shall, during the time he is in actual pay, on board such ship or vessel, be compelled to serve in the militia, in any county, city, or borough, where such person is an inhabitant. Any thing contained in this, or any former, or other act, to the contrary, in anywise, notwithstanding.

CHAP. KXIII.

An Act, for allowing Fairs to be kept in the Town of Fredericksburg.

I. **W**HEREAS, allowing fairs to be kept in the town of Fredericksburg, in the county of Spotsylvania, will be very commodious to the inhabitants of those parts of Virginia, and greatly increase the trade of that town:

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That for the future, two fairs shall and may be annually kept and held, in the said town of Fredericksburg, on the first Tuesday in June, and the first Tuesday in October, in every year; each to continue for the space of two days, for the sale and vending of all mar-

Commence-
ment and con-
tinuance.

XVI. *And be it further enacted, by the authority aforesaid, That this act shall commence immediately from and after the passing thereof: And together with the said first mentioned act, For amending the Staple of Tobacco; and for preventing Frauds in his Majesty's Customs; and the three other subsequent acts, For explaining, amending, and continuing that Act, for so much of the same as is not repealed, or altered, shall continue in force 'til the ninth day of November, in the year of our lord, one thousand seven hundred and thirty nine, and from thence for three years next following, and no longer.*

See also original
pp. 17, 18, 19

CHAP. II.

An Act, for the better Regulation of the Militia.

Preamble.

I. *WHEREAS, the laws heretofore made, for the settling and better regulation of the Militia; have proved very ineffectual, whereby the colony is like to be deprived of its proper defence, in time of danger, for want of training the persons listed to serve therein, and reducing them under a proper discipline:*

What persons
shall be listed.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the publication of this act, the colonel, or chief officer of the militia, in every county, shall list all free male persons, above the age of one and twenty years, within this colony, under the command of such captains as he shall think fit.*

Persons ex-
empted from
personal at-
tendance.

III. *Provided always, That nothing herein contained, shall be construed to compel any persons herein after-mentioned, to a personal attendance at musters: that is to say, Such as are, or shall have been, members of his majesty's council, speaker of the house of burgesses, secretary, receiver-general, auditor, judge of the court of vice-admiralty, attorney-general, clerk of the council, clerk of the house of burgesses, clerk of the secretary's office, a justice of the peace, clerk of any county court, or any person that shall have borne any military commission as high as that of a captain, or any of the people commonly called Quakers: Yet all the persons aforesaid, shall, and are hereby required,*

to send one able-bodied man, not being a convict, or man and horse, armed and accoutred, according to the directions of this act, constantly to appear, and exercise at musters.

IV. *Provided also*, That nothing herein contained, shall impower or enable any colonel, or chief officer of the militia, to list or cause to be listed, any of the ministers of the church of England, the president, masters, or professors, and students, of the college of William and Mary, during the time of their being such, any overseers residing on the plantation where the slaves under their care are worked, all millers, having the charge and keeping of any mill, nor the founders, keepers, or other persons employed in or about any iron, copper, or lead work, or any other mine, during the time of their being so employed; who are hereby exempted from being any ways concerned in the militia.

From being listed.

V. *And be it further enacted, by the authority aforesaid*, That every person, so as aforesaid listed, (except free mulattos, negros and Indians) and placed or ranked in horse or foot, shall be armed and accoutred in manner following: that is to say, Every horse-man shall be furnished with a serviceable horse, a good saddle, with breast-plate, crupper, curb-bridle, carbine or fuzee, and bucket, holsters, a case of pistols, cutting sword or cutlass, double cartouch-box, and six charges of powder; and constantly appear with the same, at the time and place appointed for muster and exercise; and shall keep at his place of abode, one pound of powder, and four pounds of ball, and bring the same into the field with him, when thereunto required. And every footman shall be furnished with a firelock, musket, or fuzee, well fixed, a bayonet fitted to the same, or a cutting sword or cutlass, a cartouch-box, and three charges of powder; and appear with the same at the time and place appointed for muster and exercise, as aforesaid; and shall also keep at his house, one pound of powder, and four pounds of ball; and bring the same into the field, when he shall be required.

How the militia shall be armed.

VI. *And be it further enacted*, That all such free mulattos, negros, or Indians, as are or shall be listed, as aforesaid, shall appear without arms; and may be employed as drummers, trumpeters, or pioneers, or in such other servile labour, as they shall be directed to perform.

Mulattos, &c. not to bear arms.

Duty of officers, and punishment of disobedient soldiers.

VII. And, for the better training and exercising the militia, and rendering them more serviceable, *Be it further enacted*. That every captain shall, once in three months, or oftner, if required, muster, train, and exercise his troop or company : And the county lieutenant, colonel, or chief commanding officer, in every county, shall cause a general muster and exercise of all the troops and companies within his county, to be made in the month of September, every year. And if any soldier, during the time he is in arms at a general muster, shall refuse to perform the commands of his officer, or behave himself refractorily or mutinously, it shall and may be lawful, to and for the chief commanding officer, then present, to cause such offender to be tied neck and heels, for any time, not exceeding five minutes : And for a second offence, at such general muster, the offender shall be punished by the sentence of the majority of the field-officers and captains, then present ; who are hereby impowered, by a warrant under their hands, to commit the offender to the county goal, there to remain for any time not exceeding ten days. And if any soldier, during the time he is in arms, at any private muster, shall misbehave, as aforesaid, such offender shall be punished by any field officer, then present ; or, in case there be no such field officer, then by the sentence of a majority of the commission officers, then present ; which field officer, or, in his absence, the majority of the commission-officers, are hereby impowered to cause such offender to be tied neck and heels, for any time, not exceeding five minutes, for the first offence ; and for the second offence, the majority of the commission-officers, then present, are hereby impowered, by warrant under their hands, to commit such offender to the county-goal, there to remain for any time not exceeding ten days. And in either case, of commitment to the county goal, the offender so committed, shall not be thence discharged, until the lawful fees for commitment, imprisonment, and discharge, be fully satisfied and paid. And that every captain, and, in his absence, the lieutenant, shall duly make a list of all the persons upon his muster-roll, who shall be summoned, and do not appear at any of the said musters, armed and accoutred, as by this act is directed ; and return the same, with the names of all officers who shall be absent, to the court-martial, to

which he belongs. And every captain shall have power to appoint a clerk, to his troop or company, who shall keep the muster-rolls, and attend all musters with the same; and such clerk shall be exempted from appearing in arms, at all such musters.

VIII. And further, it shall and may be lawful, for the chief officer of the militia in every county, to order all persons listed therein, to go armed to their respective parish churches; and some time before the tenth of June, yearly, to appoint an officer, and four men, of the militia, at such times and seasons as he shall think proper, to patrol, and visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons. And such patrollers shall have full power and authority, to take up any such slaves, servants, or disorderly persons, so as aforesaid unlawfully assembled, or any other, strolling about from one plantation to another, without a pass from his or her master, mistress, or overseer, and to carry them before the next justice of the peace; who is to order every such slave, servant, stroller, or other disorderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back, well laid on: And in case one company of patrollers shall not be sufficient, to order more companies, consisting of the same number. And such patrollers shall be exempted from attendance at private musters, and from the payment of all public, county, and parish levies, for their own persons, for those years in which they shall be employed in that service.

Provision for going armed to church, and appointing patrollers.

IX. *And be it further enacted*, That it shall and may be lawful, for the field officers, and captains, of every county, or the major part of them, whereof the county lieutenant, colonel, lieutenant-colonel, or major, shall be one, and they are hereby required to meet at the court-house of their counties, respectively, on the day next following the general muster, then and there to hold a court martial; which said court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons listed, and to exempt such as they shall judge incapable of service; and of all delinquents returned by the captains, for absence from musters, or appearing without arms and accoutrements; and to order the fines inflicted by this act,

A court-martial to be held for fining delinquents.

and not otherwise directed, to be levied upon all delinquents, who shall not make out some just excuse for not performing their duty ; and to order and dispose of all such fines, in the first place, for buying drums, trumpets, and trophies, for the use of the troop or company from whence the same arise ; and afterwards, for supplying the militia with arms. And the said court shall have full power, and are hereby required, to keep a register of all their proceedings ; and for that purpose to appoint a clerk ; and to allow him such salary for his service, out of the said fines, as they in their discretion shall think reasonable. And after the holding of every such court, the clerk shall make out copies of all their orders, and deliver the same, within one month next following the said court, to the sheriff of the county ; who is hereby impowered and required to demand and receive the money or tobacco therein charged, of the persons made chargeable therewith ; and in case of non-payment, on or before the tenth day of April next following, to levy the same by distress, and sale of the goods of the party refusing, according to the directions of the laws now in force, enabling the sale of goods distrained for rent.

The fines settled.

X. And, for settling the fines to be inflicted upon all persons who shall fail to do their duty, in any thing required to be done by this act, and on all other delinquents punishable hereby, *Be it further enacted by the authority aforesaid*, That the several persons herein after mentioned, for such failure, shall forfeit and pay the sums following, respectively : that is to say, The lieutenant of any county, or, in case of his absence from, or non-residence in the county, the chief commanding officer, there residing, failing to appoint a general muster, in the month of September, yearly, shall pay ten pounds for every failure : To be recovered, with costs, by action of debt, or information, in any court of record, in this colony ; one moiety to our sovereign lord the king, his heirs and successors, for and towards the better supplying the county with arms ; and the other moiety to the informer, to his own proper use. Every colonel, lieutenant-colonel, or major, failing to appear at such general muster, or court, shall pay forty shillings. Every captain, who shall fail to muster and exercise his troop or company, four times a year, shall pay twelve shillings, for every failure. And every captain failing to appear at the court martial, or general mus

ter, shall pay twenty shillings for every failure. And every lieutenant who fails to appear at muster, shall pay ten shillings for every failure. And every cornet, or ensign, seven shillings and six pence. And every captain, or in his absence, the next commanding officer, failing to return a list of the persons who shall not appear at musters, or shall appear without his arms or accoutrements, shall pay fifty shillings. Every soldier refusing to serve as a serjeant, corporal, drummer, or trumpeter, being thereto appointed by his captain, shall pay fifty shillings, or five hundred pounds of tobacco, at his election; but such person shall be fined but once for such refusal. Every person listed to serve in the horse, shall pay seven shillings and six pence, or seventy five pounds of tobacco: And every person listed in the foot, shall pay five shillings, or fifty pounds of tobacco, at their election, for not appearing at muster, completely armed and accoutred; so that no person be fined above five times a year, for such failure. And every clerk of a court-martial failing to deliver the orders of the court to the sheriff of the county, within the time herein before limited, shall forfeit all the salary or allowance for his service, as clerk, for that year.

XI. Provided always, and be it enacted, That eighteen months time be given and allowed to each soldier to furnish and provide himself with arms and ammunition, according to this act: And that no soldier be fined for appearing without, or not having the same at his place of abode, until he hath been listed eighteen months, after the passing of this act. Any thing in this act to the contrary, or seeming to the contrary, in any wise, notwithstanding; so as every soldier, during the said eighteen months, do appear at all musters, with such arms as he is already furnished with.

18 months allowed for providing arms.

XII. And, for encouragement to every soldier to provide and furnish himself, according to the directions of this act, and his security to keep his arms and ammunition, when provided, Be it enacted, by the authority aforesaid, That the furniture, arms, and ammunition, provided and kept, in pursuance of this act, be free and exempted, at all times, from being impressed upon any account whatsoever; and likewise from being seised or taken by any manner of distress, attachment, or writ of execution. And that every distress, seizure, or execution, made or served upon any of the

Arms exempted from seizures and distresses.

premises, be unlawful and void : And that the officer or person that presumes to make or serve the same, be liable to the suit of the party grieved ; wherein double damages shall be given, upon a recovery.

Other defaults
liable.

XIII. *And be it further enacted,* That every person exempted from personal appearance only, failing to send an able-bodied man, or man and horse, as the case shall be, in his room, to be trained and exercised, shall pay the same fine as is herein before inflicted for not appearing at musters. And every person ordered to go to church armed, failing to do his duty therein, shall pay five shillings. And every person ordered to patrol, and failing so to do, (to be certified to the court-martial, by the officer of such patrol,) shall pay ten shillings, for every failure. And every person going to, attending at, or returning from muster, shall be privileged and exempted from arrests, and being served with any other process, in any civil action or suit.

Exempted
overseers or
millers not to
appear at mus-
ters.

XIV. *And be it further enacted, by the authority aforesaid,* That if any exempted overseer, or miller, shall presume to appear at any muster, or in any muster field whatsoever, on the day on which such muster shall be appointed ; the party so offending, shall, for every such offence, forfeit and pay ten shillings, or one hundred pounds of tobacco ; to be assessed upon him by the next court-martial, upon certificate of the offence to them made, by the captain, or chief officer, present at such muster ; and levied, accounted for, and appropriated, in the same manner, as the other fines ordered by the court-martial.

Sheriff refus-
ing to receive
the orders of
the court mar-
tial, or failing
to account.

XV. *And be it further enacted.* That if any sheriff shall refuse to receive the orders of any court-martial offered to him, by virtue of this act, or to collect and levy the fines therein mentioned ; such sheriff upon a motion and complaint thereof made to the county court, or general court, shall be fined, for such refusal, fifty pounds current money : To be appropriated, in the same manner, as the other fines last mentioned. And if any sheriff, taking upon him such collection, or receiving the said orders, shall fail to account for, and pay what he shall have received, by virtue thereof, to the receiver, to be appointed for that purpose, by the court-martial, deducting ten per cent. only for his trouble in collecting and receiving ; upon a motion or complaint made against him, by the said receiver, or the com-

manding officer of the militia, to the county court, or general court; such court shall give judgment, and award execution against him, for the same.

XVI. *And be it further enacted*, That every commission officer in the militia, shall, before he acts under, or executes any such commission, in the court of his county, take the oaths appointed by law to be taken, instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the same, with the test: And that every county lieutenant, colonel, lieutenant-colonel, major, and captain, at the time of their holding every court-martial, shall, before they hold the same, take the following oath; which shall be first taken by the presiding officer then present, and by him administered to the rest of the officers: to wit,

Oaths to be taken by commission officers.

I A. B. do swear, That I will do equal right and justice to all men, according to the act of assembly, *for the better regulation of the Militia.*

XVII. *And be it further enacted*, That the adjutant-general, for the time being, with one servant, and their horses, shall be exempted from the payment of ferriages at all public and other ferries, within this colony: And that the respective ferry-keepers shall give him, and his servant, and horses, immediate passage at all such ferries, as in the case of public expresses. Any law, or custom, to the contrary, notwithstanding.

Adjutant general, &c. ferry free.

XVIII. *And be it further enacted, by the authority aforesaid*, That all and every other act and acts, and every clause and article therein contained, *For the settlement and regulation of the Militia*; or any other matter or thing, within the purview of this act, shall be, and is hereby repealed and made void, to all intents and purposes whatsoever.

Repeal of other acts.

XIX. *Provided always*, That nothing in this act contained, shall extend, or be construed to extend to the inhabitants of the city of Williamsburg, so as to oblige them to muster, or serve in the militia, out of the said city: But that such inhabitants shall be listed and trained, in manner as is directed by one act of assembly, made in the ninth year of the reign of his late majesty king George the first, intituled. *An Act for enlarging the Jurisdiction of the Court of Hustings in the City of*

This act not to extend to Williamsburg.

Williamsburg, *within the limits thereof*. Any thing in this act, to the contrary, or seeming to the contrary, in any wise, notwithstanding.

CHAP. III.

An Act, for reviving the Act, For making more effectual provision against Invasions and Insurrections.

Preamble.

I. **W**HEREAS, the act made in the first year of the reign of his present majesty, intituled, *An Act, for making more effectual provision against Invasions and Insurrections*, which was continued by two several acts; the one made in the fifth and sixth years, and the other in the eighth year of his said majesty, and is now expired, has been found, by experience, to be very useful:

1 Geo. 2, re-
vived for three
years.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first mentioned act shall be, and is hereby revived, and shall continue and be in force, from the passing of this act. for the term of three years next following, and no longer.*

CHAP. IV.

An Act, for altering the method of Trial of certain Criminals therein mentioned.

Preamble.

I. **W**HEREAS, by the laws now in force, *For the trial of persons committing capital crimes*, twelve freeholders are to be summoned from the county where the fact is committed, for the trial of every such criminal: Which method, through the great increase of offenders, is become very burthensome and expensive to the public, as well as grievous to many of his majesty's good subjects, who live in the remote counties, and are summoned to serve as jury-men at the said trials. And whereas, most of the felonies, and other capital offences committed in this colony, are perpetrated and done by persons who have been convicted of felony, or other crimes in Great-Britain, or

General Assembly,

Wm. Gooch,
Gov. Governor.

SUMMONED TO BE HELD AT

The Capitol, in the City of Williamsburg, on Friday the first day of August, in the ninth year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, King, Defender of the Faith, &c. And from thence continued, by several prorogations to the twenty second day of May, in the thirteenth year of his said Majesty's reign, and in the year of our Lord, 1740 : Being the third Session of this present General Assembly.

CHAP. I.

An Act, for the better security of the Country in the present time of Danger.

Preamble.

I. **W**HEREAS, during the present war, it will be necessary, that the militia of this colony should be kept under stricter discipline, more frequently trained and exercised, and better armed ; the better to enable them to contend with regular troops :

Arms, provided for militia.

II. *Be it therefore enacted, by the Lieutenant Governor, Council, and Burges-es of this present General Assembly, and it is hereby enacted, by the authority of the same, That the treasurer of this colony shall be. and he is, hereby impowered and directed, out of the public money in his hands, to issue and apply the sum of two thousand pounds, in providing arms for the militia of this colony, as soon as conveniently may be; which arms shall be delivered to the governor, or commander in chief, of this colony, to be by him distributed, in such manner and proportion, as he, with the advice*

395. Va.—General Assembly, Williamsburg; Va. Laws, W. Henning, Vol. 5, 1815; Act, Aug. 1, 1736–May 1740, pp. 90–91.

and consent of the council, shall think most convenient.

III. *And be it further enacted, by the authority aforesaid, That all and every person and persons, who, by the act made in the twelfth year of his present majesty's reign. For the better regulation of the Militia, are directed to be listed, shall be obliged to give their personal attendance at all musters; any thing in the said act to the contrary thereof, notwithstanding.*

Soldiers to give their personal attendance.

IV. And, that every captain, once in every two months, or oftner, if required, shall muster, train, and exercise his troop or company: And the county lieutenant-colonel, or chief commanding officer, in every county, shall cause a general muster and exercise of all the troops and companies within his county to be made, in the months of March, and September, in every year, or oftner, if there shall be occasion: And the officers and soldiers respectively offending against the directions of this act, shall, for every offence, incur the like penalties, as are inflicted by the said other act: To be recovered in the same manner, and to the same uses, as therein is expressed; so that no person be fined above eight times in any year.

Company musters.

General musters.

Fines.

V. *Provided always, and it is hereby enacted, That it shall and may be lawful, to and for the several courts martial, to be held in pursuance of the said act, For the better regulation of the Militia, to excuse and acquit any soldier, who shall not, within twelve months from the passing of this act, be furnished and provided with arms, according to the directions of the said first mentioned act: and whom they, in their consciences, shall believe and adjudge to be unable to furnish and provide the same, from the fines and forfeitures inflicted by the said act for want thereof; any thing in the said act, or in this act, to the contrary, or seeming to the contrary thereof, in any wise, notwithstanding.*

Power of courts martial to remit.

VI. *And be it further enacted, by the authority aforesaid, That this act shall continue, and be in force, for three years, from the making thereof, and no longer.*

Limitation of this act.

VII. *Provided nevertheless, That if the present war shall be ended before the expiration of the said three years, that from and immediately after public notice thereof shall be given in this colony, by proclamation of peace, this act, as to so much thereof, as relates to the disciplining and exercising the militia, shall be, and the same is hereby repealed and made void.*

may have legal remedy and loss of his, or her slave, or slaves, as he, or she, might have had if this act had never been made.

Slaves freed without legal licence, may be sold by the churchwardens.

XXVI. *And be it further enacted, by the authority aforesaid,* That no negroe, mulattoe, or Indian slave, shall be set free upon any pretence whatsoever, except for some meritorious services, to be adjudged and allowed by the governor, and council, for the time being, and a licence thereupon first had, and obtained; and if any slave shall be otherwise set free, it shall be lawful for the churchwardens of the parish, wherein he, or she, shall reside the space of one month, next after his, or her, being so freed, and they are hereby authorised and required to take up, and sell him, or her, as a slave, by public auction, at the next court held for that county, and to apply the monies, arising by such sale, to the use of their parish, towards lessening the levy thereof.

Repealing clause

XXVII. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Commencement of this act.

XXVIII. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force from and immediately after the tenth day of June, which shall be in the year of our Lord one thousand seven hundred and fifty one.

See also original
p. 113

CHAP. XXXIX.

An Act for making provision against Invasions and Insurrections.

Preamble.

I. WHEREAS the frontiers of this dominion, being of great extent, are exposed to the invasions of foreign enemies by sea, and incursions of Indians at land, and great dangers may likewise happen by the insurrections of negroes, and others, for all which the militia settled by law is the most ready defence: And forasmuch as the militia of those counties, where any the dangers aforesaid shall arise, must necessarily be

396. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Oct. 1748, pp. 112–118.*

first employed, and may by the divine assistance, be able to suppress and repel such insurrections, and invasions, without obliging that of the other counties to be raised; and it being reasonable, that such services as shall be performed by any part of the said militia, be rewarded at the public charge.

II. BE it enacted, by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That upon any invasion of an enemy by sea, or land, or upon any insurrection, the governor, or commander in chief of this dominion, for the time being, shall have full power and authority to levy, raise, arm, and muster, such a number of forces, out of the militia of this colony, as shall be thought needful for repelling the invasion, or suppressing the insurrection, or other danger, and the same to lead, conduct, march, transport, and employ, or by his lieutenants, commanders, or other officers, by him commissioned, to cause to be led, conducted, marched, transported, and employed, as well within the several counties, and places to which they belong, as into any other counties and places within this dominion, for the suppressing and repelling of all such insurrections and invasions, and such forces again to discharge, and disband, as the cause of danger ceases.

The Governor's authority in cases of invasion, or insurrection.

III. And be it further enacted, by the authority aforesaid, That every officer of the militia, to whom notice shall be given of any insurrection, or invasion, shall have full power and authority, by virtue of this act, and is hereby required, forthwith to raise the militia under his command, and to send immediate intelligence to the county lieutenant, or in his absence to the chief commanding officer, residing in the county, and to the next militia officer in the same county, informing them, at the same time, in what manner he intends to proceed; and in the mean time, shall keep the militia under his command under arms, until he receives orders from his superior officer: And every county lieutenant, or chief commanding officer in any county, to whom such intelligence shall be given, of any insurrection or invasion, shall forthwith dispatch an express, to the governor or commander in chief of this dominion, for the time being, notifying the danger, and shall therewith signify, in the best manner he can, the strength and motions of the enemy; and

Militia officer's power and duty.

P—Vol. 6.

for that purpose, such county lieutenant, or other commanding officer, hath hereby full power to impress boats and hands, men and horses, as the service may require for the dispatch of such intelligence; and until orders shall arrive from the governor, shall draw together the militia of his county, in such place or places, as he shall judge most convenient for opposing the enemy.

Penalties on them if they neglect or refuse to obey orders.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia, who upon occasion of any invasion or insurrection, shall receive any orders or instructions, from the governor or commander in chief for the time being, or from any other his superior officer, either for calling together the soldiers, or marching them to any particular place, shall neglect or refuse to execute such orders and instructions, in the best manner he is capable, every such officer so neglecting or refusing, shall respectively, forfeit and pay the sum following, that is to say, every lieutenant of a county, the sum of fifty pounds, every colonel, lieutenant colonel, or major, thirty pounds, and every captain, lieutenant, cornet, or ensign, twenty pounds; and every soldier who shall be summoned to appear, upon any such occasion, and shall fail so to do, or shall fail to bring with him his arms and accoutrements, together with one pound of powder, and four pounds of ball, shall forfeit and pay the sum of ten pounds; one moiety of all which forfeitures shall go to our sovereign lord the king, his heirs and successors, for and towards the better supplying with arms that county where such offence shall be committed, and the other moiety to him or them that will inform or sue for the same, to be recovered with costs, by action of debt, or information, in any court of record wherein the same shall be cognizable.

On soldiers failing to appear, or coming unarmed.

The manner of impressing provisions, carriages, tools, workmen, &c for military service.

V. *And be it further enacted, by the authority aforesaid,* That upon raising or continuance of forces as aforesaid, it shall and may be lawful, by warrant under the hand and seal of any county lieutenant, colonel, lieutenant colonel, or major, commanding any part of the same, to impress and take up necessary provisions, of and from any person or persons, and to impress and take up sloops and boats, necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeake, together with the rigging, tackle, furniture, and apparel belonging thereunto,

and also all manner of carts, waggons, draught horses, or oxen, or other conveniencies for the land carriage of provisions, great guns, arms and ammunition, from place to place, and likewise any manner of utensils, tools or instruments, which shall or may be wanted for digging or entrenching, or towards the mounting the great guns, and making them useful: and further, that it shall be lawful, by warrant as aforesaid to impress able and fit men, to go in sloops or boats, and also any smith, wheelwright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms. making carriages for great guns, or doing any other work whatever, where need shall be of such artificer.

VI. *Provided always*, That it shall not be lawful to make use of any provisions, utensils, tools or instruments, so impressed and taken up, until appraisement thereof hath been made, in tobacco, by two good and lawful men upon oath, nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisement made of the same, with the appurtenances belonging thereto, and also an estimate made by the same men, of a suitable allowance in tobacco, by the day, for the use of such sloop, boat, cart, or waggon, with the draught horses or oxen, and appurtenances thereto belonging; which every person so impressing, is hereby required, to cause to be made, and to give a receipt to the owner, of every particular by him impressed and taken up, and certifying how the same was appraised and estimated, and for what use and service impressed, upon pain of being liable to the action of the party grieved, for an unlawful seizure.

But appraisement and estimate must be first made.

VII. And for the better discovery of the approach of enemies by sea, *It is hereby further enacted*, That in each of the counties of Elizabeth City, Princess Anne, and Northampton, at such times and places as the governor or commander in chief of this dominion shall think fit to direct, one man be appointed by the chief officer of the militia, residing in each of the said counties respectively, which man shall keep a constant look out to seaward, by night and by day, and diligently observe the courses and motions of all such ships or vessels, as they, or either of them, shall discover upon the coast; and if, upon such observation, such person shall suspect the said ships or vessels to belong to an enemy, he shall immediately give notice

Look-outs to be appointed for discovery of enemies by sea.

thereof to the next field officer in his county, who is thereupon to transmit an account thereof to the governor or commander in chief, and to the county lieutenant, or chief commanding officer of the militia in the said county.

Militia to be paid by the public.

VIII. *And be it further enacted, by the authority aforesaid,* That there shall be raised and paid, by the public, to the officers and soldiers drawn out into actual service, by virtue of this act, and to the look outs appointed in manner aforesaid, after the rates following, *to wit:*

To the county lieutenant or commander in chief, seventy

HORSE.

A Colonel,	sixty.
Lieutenant Colonel,	fifty.
Major,	fifty.
Captain,	thirty.
Lieutenant,	thirty.
Cornet,	twenty-five.
Quarter-Master,	twenty-five.
Corporal,	twenty-two.
Trumpeter,	twenty-two.
Trooper,	twenty.

FOOT.

A Colonel,	fifty.
Lieutenant Colonel,	forty.
Major,	forty.
Captain,	thirty.
Lieutenant,	twenty-five.
Ensign,	twenty.
Serjeant,	eighteen.
Drummer,	eighteen.
Soldier,	fifteen.

Pounds of Tobacco per day.

A look out after the rate of two hundred pounds of tobacco per month.

Must find their own horses, arms, &c. and when discharged in two days, no pay.

IX. *Provided always,* That for the pay aforesaid, every trooper shall find and provide himself with a horse, and horse furniture, arms and ammunition; and every foot soldier, with a foot soldier's arms and ammunition; and that when any part of the militia, raised as aforesaid, shall be discharged again within two days, no pay or allowance shall be given for the same, but every man shall bear his own charges; and when they shall be kept in service above two days, then the whole time shall be paid for, and allowed as aforesaid.

X. *And be it further enacted by the authority aforesaid,* That for any message sent according to the directions of this act, either by land or water, the same allowance shall be made, as is by law given for other public expresses. Messengers to be paid as public expresses.

And that every smith, wheel-wright, carpenter, or other artificer, impressed and employed as aforesaid, shall be paid and allowed by the public, after the rates following, *to wit,* every smith, fifty pounds of tobacco per day, and every carpenter, wheel-wright, or other artificer, forty pounds of tobacco per day, and every man impressed to go in a sloop or boat, fifteen pounds of tobacco per day: And that the owner or owners of any provisions, utensils, tools, or instruments, impressed as aforesaid, shall be paid for the same, by the public, according to the value thereof, upon appraisement, made as by this act directed; and that the owner or owners, of any sloop or boat, cart or waggon, with horses or oxen, as aforesaid impressed and employed, shall be paid by the public, for the use of the same, according to the estimate thereof, made as herein before required, and in case such sloop or boat be cast away or lost, or any cart, waggon, draught horse, or ox, destroyed or killed in the service, then the owner or owners thereof shall be paid for the same according to the appraisement thereof, and half the pay for the use. Artificer's pay.
Watermen, Provisions, tools, &c.
Vessels and carriages, horses and oxen,

And if any such sloop, boat, cart, or waggon, be damnified, or any such horses or ox, hurt or disabled in the service, satisfaction shall be made to the owner or owners thereof, according to the damage received, besides the pay for the use: *Provided always,* That all such damage shall be inquired and found by two indifferent persons, upon oath, to be chosen and appointed by any justice of peace of the county where such sloop, boat, cart, or waggon, so damnified, or horse or ox hurt or disabled, shall happen to be.

XI. And to the end a sufficient number of men may be appointed for guarding the batteries, erected in the several rivers of this dominion, and to assist in the better managing the great guns there mounted, when occasion shall be, *It is hereby further enacted,* That it shall be lawful for the governor or commander in chief of this dominion, for the time being, to appoint and assign such a number of the militia, residing next to the several batteries respectively, as he shall think Guards for the batteries.

fit to attend the said batteries, under the command of such officer or officers, and under such order and discipline, as he shall appoint and direct: which said militia shall, from thenceforth, be exempted from all private musters, except at such battery only.

Public arms. XII. And whereas it may be necessary in time of danger, to arm part of the militia, not otherwise sufficiently provided, out of his majesty's magazine, and other stores within this colony, *Be it further enacted, by the authority aforesaid,* That if any person or persons, so armed out of his majesty's stores, shall detain or imbezzle any arms, accoutrements, or ammunition, to him or them delivered for the public service, and shall not produce and re-deliver the same, when ordered and required so to do, it shall be lawful for the respective county lieutenants, or chief commanding officers residing within their counties, by warrant under his or their hands, to commit such offender to prison, there to remain till he shall make satisfaction for the arms, accoutrements, or ammunition, by him detained or imbezzled.

Commencement and duration of this act. XIII. *And be it further enacted by the authority aforesaid,* That this act shall continue and be in force, from and after the passing thereof, for and during the term of seven years, from thence next following, and no longer: And that all and every other act and acts, clause and clauses, heretofore made for and concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.

Repealing clause.

CHAP. XL.

An Act to restrain the keeping too great a number of horses and mares, and for amending the breed.

Preamble

I. WHEREAS the keeping too many horses or mares, by persons who have no freehold, or tenancy in lands, and suffer the same to run at large upon the lands of other persons, is not only prejudicial to the breed of horses, but also to the stocks of cattle, and sheep, of the freeholders of this colony:

Repealing
clause.

XLI. *And be it further enacted, by the authority aforesaid, That all and every other act and acts, clause and clauses, heretofore made, for or concerning any matter or thing within the purview of this act, shall be, and are hereby repealed.*

CHAP. II.

*An Act for continuing an an act, intituled,
An Act for making provision against in-
vasions and insurrections.*

Preamble.

I. WHEREAS the act of Assembly made in the twenty second year of the reign of his present majesty, intituled, An act for making provision against invasions and insurrections, will expire on the twenty seventh day of October, which shall be in the year of our lord one thousand seven hundred and fifty five, and it is necessary the same should be continued for a longer term.

Continuance

II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of Assembly, intituled, An act for making provision against invasions and insurrections, shall continue and be in force from and after the said twenty seventh day of October, which shall be in the year of our lord, one thousand seven hundred and fifty five, for and during the term of seven years, from thence next following, and no longer.*

397. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Feb. 27, 1752—Nov. 27, 1753, p. 350.*

and his security given in pursuance of this act, for all the money or tobacco, wherewith he shall be chargeable by virtue of this act, and thereon to award execution.

Proviso.

VI. *Provided*, That such sheriff shall have ten days previous notice of such motion.

CHAP. II.

An Act for raising levies and recruits to serve in the present expedition against the French, on the Ohio.

Preamble.

I. WHEREAS his majesty has been pleased to send instructions to his Lieutenant Governor of this colony, to raise and levy soldiers for carrying on the present expedition against the French on the Ohio; and this present General Assembly being desirous, upon all occasions, to testify their loyalty and duty; and taking into their consideration, that there are, in every county and corporation within this colony, able bodied persons, fit to serve his majesty, who follow no lawful calling or employment.

Power of the justices and method of enlisting.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That it shall and may be lawful to and for the justices of the peace of every county and corporation within this colony, or any two or more of them, within their several and respective counties and corporations, upon application made to them, by any officer or officers appointed or empowered to enlist men, to raise and levy such able bodied men, as do not follow or exercise any lawful calling or employment, or have not some other lawful and sufficient support and maintenance, to serve his majesty, as soldiers in the present expedition; and to require and command all sheriffs, under-sheriffs, and constables, within their respective counties and corporations, to be aiding and assisting them in putting this act in execution; and for that purpose to issue out warrants

398, Va.—General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Feb. 27, 1752–Oct. 1754, pp. 438–440.

unter the hands and seals of any two or more of them; thereby commanding such sheriffs, under-sheriffs, and constables, as aforesaid, every, or any of them, to make, or cause search to be made, within their respective counties and corporations, for all such persons as they can find, who are, or shall appear to them to be within the description of this act; and to bring before the said justices all such persons: And in case the said justices, hereby authorized and impowered to put this act in execution, upon examination of the person or persons so brought before them, shall judge them, or any of them, to be such as are hereby intended to be entertained in his majesty's service on this expedition, they shall immediately list him or them as soldiers; and the said justices are hereby authorized and required, by warrant under the hands and seals of any two or more of them, to cause the person or persons so enlisted, to be delivered to such officer or officers, who are hereby required to give a receipt for such person or persons so delivered to him; which receipt shall be returned to the said justices, and by them transmitted to the governor, or commander in chief for the time being.

III. *Provided always*, That nothing in this act contained shall extend to the taking or levying any person to serve as a soldier, who hath any vote in the election of a Burgess or Burgesses to serve in the General Assembly of this colony, or who is, or shall be an indented or bought servant, or any person under the age of twenty one years, or above the age of fifty years. Who may not be enlisted under this act.

IV. *And be it further enacted by the authority aforesaid*, That the pay of every soldier enlisted by virtue of this act, shall commence from the time of his being taken, and delivered to such officer or officers appointed or impowered to enlist men, and such soldier shall receive the same rewards as any other enlisted soldier. Their pay.

V. *And be it further enacted, by the authority aforesaid*, That if any person or persons enlisted by virtue of this act, shall be so maimed or wounded, as to be rendered incapable of maintaining themselves, they shall, upon their return, be supported at the public expence. Their support if wounded.

VI. *And be it further enacted*, That this act, as to so much thereof, as relates to the raising and levying Continuance.

men, shall continue and be in force, from and after the passing thereof, during the term of one year and no longer.

CHAP. III.

An Act for paying the Burgesses wages in money for this present session of Assembly.

Burgesses
wages paya-
ble in mo-
ney.

I. WHEREAS by one act of Assembly made in the third and fourth years of the reign of his present majesty, intituled, An act for the better regulating the payment of the Burgesses wages, it is amongst other things enacted, that when any session of Assembly should be thereafter held, and upon examination of the treasurer's accounts it should appear, that there are monies sufficient, in his hands, to discharge all the money debts, together with the Burgesses wages, and the salaries and allowances to the respective officers of the General Assembly, saving and reserving in the hands of the treasurer over and above the said payment a balance of one thousand five hundred pounds at the least, then every Burgess elected, and serving for a county or corporation within this dominion, should be paid out of the public money the sum of ten shillings for each day he should serve in the house of Burgesses, with such further allowances, and under such restrictions and regulations as in the said act is at large directed. And whereas by reason of the low circumstances of the treasury, the wages of the Burgesses for this present session cannot be discharged in money, according to the letter of the said act, and the payment of the said wages in money will be a great ease to the poorer sort of people, by lessening the levy by the poll.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the Burgesses wages for this present session of Assembly, shall be paid by the treasurer on the twenty fifth day of October, in the year of our lord, one thou-*

XIV. *And be it further enacted, by the authority afore-* ^{Lawful to}
said, That it shall and may be lawful, for any person ^{purchase}
 or persons, natives or foreigners, bodies politic or ^{tickets.}
 corporate, to contribute, for or towards the advancing
 of the sum of six thousand pounds, current money, by
 paying, at or before the ninth day of December next,
 to the person or persons appointed to receive the same,
 the sum of one pound one shilling and six pence, cur-
 rent money, for every ticket so taken out of the said
 book, or books, by such person or persons, natives or
 foreigners, bodies politic or corporate.

XV. *And be it further enacted,* That if all the said ^{Method if all}
 tickets shall not be sold or disposed of, before the time ^{the tickets}
 herein before appointed for the drawing the same, ^{be not sold}
 that then the tickets remaining unsold, shall be drawn ^{by the time}
^{appointed.}
 on account, and for the use and benefit of the country.
 Provided the same do not exceed five thousand; but if
 the remaining tickets shall exceed that number, then
 the said managers shall give public notice thereof, by
 advertising the same six times in the Virginia Ga-
 zette, and in that case shall repay to the several pur-
 chasers of tickets, their executors, administrators or
 assigns, so much money as shall have been by them
 respectively paid, or laid out in the purchase of such
 tickets.

See in general

CHAP. II.

*An Act to explain an act, intituled, An act
 for raising the sum of twenty thousand
 pounds, for the protection of his majes-
 ty's subjects, against the insults and en-
 croachments of the French; and for other
 purposes therein mentioned.*

I. WHEREAS by an act passed at a former ses- ^{Preamble.}
 sion of this present General Assembly, intituled, An
 act for raising the sum of twenty thousand pounds,
 for the protection of his majesty's subjects, against
 the insults and encroachments of the French; it is

399. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 6,*
W. Hening, 1819; Act, Feb. 27, 1752—May 1, 1755, pp. 461–468.

amongst other things enacted, that the sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, should be paid by every tithable person within this dominion, on or before the tenth day of April, now last past, to the sheriff of each county; and the further sum of two shillings and six pence, or thirty pounds of tobacco, at the option of the payer, should also be paid to such sheriff, by every such tithable person, on or before the tenth day of October, now next ensuing, to be collected, levied, accounted for, and applied as in the said act of Assembly is directed. And whereas it hath been doubted, whether the sheriffs in this colony are to collect the last mentioned duty or tax, from the tithable persons according to the lists taken before, and subsisting at the time of passing the said act, or according to the lists to be taken this present year, for explaining whereof,

According to what lists of tithables sheriffs are to collect the duty.

II. *BE it enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That the last mentioned tax or duty, of two shilling and six pence, or thirty pounds of tobacco, shall be paid to and received by the sheriff of each county, according to the lists of tithables taken and returned for this present year. And that the clerks of the several county courts, shall, as soon as such lists be taken and returned to them, respectively, make out and deliver to the sheriff of the county fair copies of such lists, for such sheriff's direction in collecting the said duty.

How the sheriff is to act if any tithable should not be listed, or the duty not paid.

III. *And be it further enacted,* That where the sheriffs shall discover any tithables not inlisted, such sheriff shall be and is hereby empowered and required to collect and levy the said duty of two shillings and six pence, or thirty pounds of tobacco, upon the persons so discovered, and account for upon oath, and pay the same in the same manner as if such tithables had been inlisted. And where any sheriff dies, or is removed from his office before he hath collected all the said duties respectively, it shall and may be lawful for the succeeding sheriff or sheriffs, to make distress upon the slaves, goods, or chattels, of the person or persons so chargeable, and to make sale thereof, in the manner by law directed, in the case of other distresses. And whereas many persons chargeable with the

tax or duty aforesaid, have (imagining that they were obliged to pay the whole tax, ordered to be levied in the said act, according to the list of tithables, taken before the passing the said act) to avoid any further trouble, paid the whole tax into the hands of the sheriffs of their respective counties.

IV. *Be it further enacted, by the authority aforesaid,* That in every such case, where the person paying the same can make it appear, either by the receipt of the sheriff, or other legal proof, that he, or she, has already paid the last mentioned tax, in the act before mentioned, that then so much of the money, that shall appear to have been paid, as aforesaid, shall be allowed by the sheriff in the collecting the last mentioned tax, according to the explanation given by this act. And whereas it hath been represented, that it is necessary in this time of danger, that Fort Cumberland, in Maryland, should be immediately garrisoned.

Where the whole duty has been paid to a former sheriff.

V. *Be it further enacted,* That the sum of six hundred pounds be paid by the treasurer of this colony, out of the money raised, or to be raised, by the taxes imposed by the said act, to the honourable Robert Dinwiddie, esquire, his majesty's lieutenant governor, and commander in chief of the colony and dominion of Virginia; to be applied towards garrisoning the said fort. And whereas it is necessary that the further sum of ten thousand pounds current money, should be raised for the purposes mentioned in the said act:

Fort Cumberland garrisoned.

VI. *Be it further enacted by the authority aforesaid,* That the sum of two shillings shall be paid for every tithable negroe, mulatto, or Indian slave, within this colony, by the owner or proprietor thereof, to the sheriff of the county wherein such tithables are inlisted, on or before the tenth day of April, next ensuing. And that the sum of one shilling and three pence for every hundred acres of land, and so proportionably for a greater or lesser quantity, shall be paid by the owner and proprietor thereof, on the same tenth day of April, to the sheriff of the county where such lands lie, and to be collected by and according to the rent rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents. And for enabling the sheriffs to collect the said land tax, from the proprietors of land, within the territory of the right honourable Thomas Lord Fairfax.

Duties on negroes per poll.

Land tax.

Method of
collecting
the land tax,
in the north-
ern neck.

VII. *Be it further enacted*, That every such proprietor shall on, or before the first day of January next, deliver to the sheriff of the county wherein he or she shall reside, a just and true account of the quantity of land by him or her held within the territory aforesaid, according to the quantity for which they usually held the same; and every person failing or refusing so to do, shall forfeit and pay the sum of ten pounds, to our sovereign lord the king, to the same uses, as the tax hereby laid is appropriated, and to be recovered with costs by action of debt or information, in any court of record within this dominion; and the sheriffs of the several counties within the said territory are hereby required to collect the said tax from the said proprietors, according to the accounts so to be delivered to them, and in case of failure in payment of the said respective duties or taxes, at the time aforesaid, it shall be lawful for the sheriff of each county to levy the same by distress and sale of the slaves, goods, or chattels of the persons so failing in like manner as is provided in case of other distresses; and where there are no effects to be found upon the lands, hereby chargeable with the said tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of such lands lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found, which sums of money, so to be collected shall be by the sheriffs respectively accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or to the treasurer, for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June, next ensuing, after deducting four per centum, for his salary, in collecting the same, and to be accounted for by the said treasurer to the General Assembly, after deducting five per centum for his salary, in receiving and paying the same.

Sheriff to
give bond.

VIII. *And be it further enacted*, That the sheriff of every county, shall at the first or second court, to be held for his county, after the passing this act, give bond and security, for the due collection and payment of the money, laid and assessed by this act: And if such sheriff shall die or be removed from his office, before the collection is made, the succeeding sheriff, shall in like manner give bond and security, at the time he shall be sworn into his office. And if any

sheriff shall refuse or fail to give security, according to this or the herein before recited act, the county courts are hereby impowered and required to appoint some other person to collect the duties imposed by this and the said recited act, who shall give bond and security, in like manner, and shall have power and authority, and are hereby required, to collect, levy, and account for the said duties in the same manner, as is directed in the case of the sheriff. And if any sheriff or collector, shall neglect or refuse to account for and pay the same accordingly, after deducting the several sums, chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security, for all the money wherewith he shall be chargeable, by virtue of this act, and thereon to award execution. Provided that such sheriff or collector have ten days previous notice of such motion.

IX. *And be it further enacted by the authority aforesaid,* That the said treasurer shall out of the money ^{Money appropriated.} raised, or to be raised, for the protection of his majesty's subjects, against the insults and encroachment of the French, pay to the honourable Robert Dinwiddie esquire, lieutenant governor, and commander in chief of this dominion, a sum of money not exceeding two thousand pounds, to be laid out for and in the raising and maintaining three companies of men, consisting of fifty men each, with their officers, to be employed as rangers, for the protection of the subjects in the frontiers of this colony, as the governor shall direct from time to time, and shall not be sent out of this colony, nor incorporated with the soldiers now in his majesty's service, or made subject to martial law. And in case the said number of ^{Rangers to be enlisted, or drafted, of single men.} men, cannot be raised, by such as will voluntarily enlist in the said service, it shall and may be lawful for the county lieutenant, or chief officer of the militia of each of the counties of Frederick, Hampshire, and Augusta, by direction from the governor, to draft out of the militia, of the said counties, respectively, such and so many young men of their militia who have not wives or children, as will make up the said number, to be employed in the said service. And if any

person so drafted shall refuse to serve accordingly, every person so refusing shall forfeit and pay the sum of ten pounds to our sovereign lord the king, to the same uses as the tax hereby laid is appropriated, and in case of failure in paying down the same, to such officer (to be by him paid to the sheriff of the county, and accounted for and paid by the sheriff to the treasurer, with the tax aforesaid) or giving sufficient security for the payment of the same, on the tenth day of April next; then such person shall by warrant from any justice of the peace of the county, be committed to goal, there to remain until he shall agree to enter into the said service, or pay the said penalty, or give security for the same, as aforesaid.

Duty on
slaves im-
ported.

X. *And be it further enacted, by the authority aforesaid,* That from and after the passing of this act, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported, or brought into this colony and dominion for sale, either by land or water, from any part or place whatsoever, by the buyer, or purchaser, after the rate of ten per centum, on the amount of each respective purchase, over and above the several duties already laid on slaves, imported as aforesaid, by an act, or acts of Assembly, now subsisting, and also over and above the duty laid by an act, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi; made in the twenty-seventh year of his present majesty's reign, and continued this present session of Assembly, for the further term of three years, which said additional duty, shall be paid, collected, and accounted for in such manner and form, and according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the duties already raised and imposed upon slaves imported, by the several acts of Assembly now in force; and that every article, rule, and clause, contained in the said acts, concerning the paying, collecting and accounting for the said former duties, shall be used, exercised, and put in practice, for paying, collecting, and accounting for the said duty hereby imposed, as if the same articles, rules, and clauses were inserted in this act.

Continuance
of the duty

XI. *And be it further enacted,* That this act as to so much thereof, as relates to the levying and paying the

said duty of ten per cent. as aforesaid, shall continue, on slaves im-
and be in force, for and during the term of three years, ported.
and no longer.

XII. *And be it further enacted*, That the sum of Appropriation.
ten thousand pounds, out of the money to be raised in
pursuance of this act, and paid to the treasurer, as
aforesaid, shall be applied and disposed of in like man-
ner, and to and for the same uses, as the money raised
by the herein before recited act, is by the said act di-
rected and appointed to be applied. And whereas by
reason of the great scarcity of gold and silver in this
colony, the tax imposed by the said act, cannot be
collected in time to answer the purposes thereby in-
tended.

XIII. *Be it enacted, by the authority aforesaid*, That Treasury
it shall and may be lawful for John Robinson esquire, notes to be
or the treasurer for the time being, appointed by or emitted.
pursuant to an act of Assembly, to issue or emit at
any time or times, before the tenth day of June, next
ensuing, and not after, in such proportions as he shall
find necessary to answer the demands that shall be
made upon him for the purposes aforesaid, any num-
ber of treasury notes, so as the whole sum of such
notes, so to be issued shall not exceed the sum of
twenty thousand pounds current money, which notes
shall be prepared, printed, or engraved, and number-
ed, and signed in such form, and after such method
as he the said John Robinson, or the treasurer for the
time being, appointed as aforesaid, shall judge most
convenient for circulating in payments, and safe from
counterfeits and forgeries.

XIV. *And be it further enacted*, That all such notes Their cur-
so issued, shall be redeemable on the last day of June rency and
next, and shall then be paid by the said treasurer, redemption.
with interest, at the rate of five per centum per annum,
from the date thereof. And further that all such notes,
shall be received and pass, as a lawful tender in any
payment, for any debt, demand, or duty whatsoever;
except for the payment of his majesty's quit-rents,
from and after the issuing of the same, for and during
the time before specified, for their redemption at the
treasury as aforesaid.

XV. *And be it further enacted by the authority afore-
said*, That if any person or persons, shall forge or Felony to
counterfeit, alter or erase, any treasury note, issued counterfeit
by virtue of this act, or shall tender in payment by them, or pats
off, knowing

them to be
forged.

way of barter, or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged, or counterfeited, altered or erased, every such person or persons, so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

Security for
their re-
demption.

XVI. *And be it further enacted by the authority aforesaid,* That so much of the money arising or accruing by virtue of the said act, as shall not be issued or applied for the purposes, and in the manner by the said act directed, and the money to be raised by virtue of this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued, and the said John Robinson, or the treasurer for the time being, to be appointed as aforesaid, is hereby required to apply all such money, as shall come to his hands, by virtue of this, and the said recited act, for and towards the redemption of such treasury notes, and to no other purpose.

CHAP. III.

An Act for continuing so much of the act of Assembly, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, as relates to the raising and imposing, collecting and paying, the duties therein mentioned.

Preamble.

I. WHEREAS by one act of Assembly, made in the twenty seventh year of his present majesty's reign, intituled, An act for the encouragement and protection of the settlers upon the waters of the Mississippi, it is among other thing enacted, that from and after the passing thereof, there shall be levied and paid to our sovereign lord the king, his heirs and successors, for all slaves imported or brought into this colony

GEORGE II,

Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, vicesimo nono.

At a General Assembly, begun and held at the College in the City of Williamsburg, on Thursday the twenty seventh day of February, in the twenty fifth year of the reign of our sovereign lord, George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, one thousand seven hundred and fifty two. And from thence continued by several prorogations, to Tuesday the fifth day of August, in the twenty-ninth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty five, and then held at the Capitol in the City of Williamsburg; being the seventh session of this Assembly.

Robert Dinwiddie, esq.
governor.

CHAP. I.

An Act for raising the sum of forty thousand pounds, for the protection of his majesty's subjects on the frontiers of this colony.

I. WHEREAS it is necessary that the further sum of forty thousand pounds should be raised for the defence of the country in this present time of danger,
Q q q—Vol. 6.

Preamble.

400. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Feb. 27, 1752—Aug. 5, 1755, pp. 521–530.

The several
taxes.

Poll-tax.

Land-tax.

How to be
collected
within the
territory of
Lord Fairfax.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgessess, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the sum of one shilling shall be paid for every tithable person in this colony, to the sheriff of the county where such tithable shall be inlisted, by the person inlisting such tithables, on or before the tenth day of April, one thousand seven hundred and fifty seven; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and fifty eight; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and fifty nine; and that the further sum of one shilling, for every such tithable person, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and sixty; which duties shall be collected by the sheiffs according to the list of tithables taken, and subsisting at the time of payment in each year. And where the sheriff shall discover any tithables not enlisted, such sheriff is hereby impowered and required, to collect and levy the said duties respectively, upon the person so discovered, and account for and pay the same, in like manner as if such tithable had been enlisted. And that the sum of one shilling and three pence, for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on the said tenth day of April, in each of the said years, one thousand seven hundred and fifty seven, and the three next following, to the sheriff of the county, wherein such lands lie, and to be collected by, and according to the rent rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents, in each of the said years. And for enabling the sheriffs to collect the said land tax, from the proprietors of lands, within the territory of the right honourable Thomas Lord Fairfax.

III. *Be it further enacted,* That every such proprietor shall, on or before the first day of January, immediately preceeding the time of payment, in each of the said years, deliver to the sheriff of the county, where he or she shall reside, or the lands lie, a just and true account of the quantity of land, by him or

her held, within the said territory, according to the quantity, for which they have usually held the same; and every person failing so to do, shall forfeit and pay the sum of ten pounds, for every such failure; and the sheriff of the several counties within the said territory, are hereby required to collect the said land tax from the said proprietors, according to the accounts so to be delivered to them, respectively; and in case of failure in payment of the said land tax or poll tax, at the times herein before limited, for the payment thereof, respectively; it shall be lawful for the sheriff of each county, to levy the same by distress and sale of the slaves, goods or chattels of the person so failing, in like manner as is provided in case of other distresses, and where there are no effects to be found upon the lands, hereby chargeable with the said land tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of the land lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found.

IV. *And be it further enacted*, That the several sums of money to be collected in pursuance of this act, for the said land tax and poll tax, shall be by the sheriffs respectively, accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June next following, the time herein before limited, for payment of the said duties in each year, after deducting five per centum, for each sheriff's salary, in collecting the same, and be accounted for by the said treasurer, to the General Assembly, after deducting two per centum, for his salary in receiving and paying the same, and the salary herein after allowed, for emitting treasury notes.

The money to be collected by this act, to be paid to the treasurer.

V. *And be it further enacted, by the authority aforesaid*, That the sheriff of every county shall, on or before the first day of December, one thousand seven hundred and fifty six, give bond and security before the court of the county whereof he is sheriff, for the due collection and payment of the said duties, so to be collected by him the year ensuing, and every sheriff shall in like manner, on or before the first day of December, in each of the three following years give bond and security, for the collection and payment of

Sheriff to give bond and security.

the several duties by this act required, to be collected and paid in the year next following, the time of giving such bond, respectively. And if any sheriff shall die, or be removed from his office, after having given such bond, and before the collection is made, for which such bond is given, the succeeding sheriff shall in like manner give bond and security, at the time he shall be sworn into his office, and shall collect; levy, and account for, so much of the said duties, as shall remain unpaid to the sheriff so dying or being removed, and if any sheriff shall refuse or fail to give security, according to the directions of this act, the county court is hereby empowered and required to appoint some other person to collect the duties imposed by this act, and directed to be collected by such sheriff; and the person appointed, shall give bond and security, in like manner, and shall have power and authority and is hereby required to collect, levy, and account, for the said duties in the same manner, as is directed in the case of the sheriff. And if any sheriff or collector shall neglect or refuse to account for, and pay the said duties according to the directions of this act, after deducting the several sums chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security, for all the money wherewith he shall be chargeable by virtue of this act, and thereon to award execution: *Provided*, That such sheriff or collector have ten days previous notice of such motion.

Remedy
against sher-
iff failing to
account.

Penalties to
the king,
and how re-
coverable.

VI. *And be it further enacted*, That all the penalties and forfeitures inflicted by this act, and not otherwise directed, shall be to our sovereign lord the king, to, and for the same uses, as the taxes imposed by this act are herein after appropriated, and shall and may be recovered with costs, by action of debt, or information, in any court of record, in this dominion.

Directors
appointed,
and their du-
ty.

VII. *And be it further enacted by the authority aforesaid*, That John Robinson, Peyton Randolph, Charles Carter, esquires, Carter Burwell, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, and Edmund Pendleton, gentlemen, or any seven

of them, shall from time to time with the consent and approbation of the governor, or commander in chief for the time being, direct and appoint how the said money shall be applied towards the raising, maintaining, arming and providing for so many men, to be employed for the protection of his majesty's subjects, in the frontiers of this colony, as they shall think necessary, so as that the whole number, so to be raised and employed, (including the soldiers now in the pay of this colony, the fifty men appointed to garrison Fort Cumberland, and the three companies of rangers formerly directed to be raised) do not exceed twelve hundred men: And that the said directors, shall, as often as there shall be occasion of money, for the uses aforesaid, apply themselves to the governor, or commander in chief, to issue his warrant to the treasurer, for paying so much money, as shall be wanting for the purposes aforesaid, not exceeding the sum of thirty thousand pounds, who is hereby required to pay the same accordingly. And the said directors, shall keep an account of their proceedings, and of the several particular services, for which they shall appoint the said money to be laid out, in pursuance of this act, and lay the same before the General Assembly, when thereto required.

VIII. And for the better encouragement of persons to enlist in the service aforesaid, *Be it enacted, by the authority aforesaid,* That every soldier enlisting in the said service, according to the intention of this act, in his person shall be protected from all process, other than for some criminal matter, and his estate privileged from all executions, attachments, and distresses, where the sum due and owing from such person so enlisting shall not exceed the sum of ten pounds current money, or two thousand pounds of tobacco, clear of the penalty of any bond, and the costs on the judgment of any court, due and owing to one person: And moreover shall be exempted from the payment of all public, county, and parish levies, and all taxes imposed by this, or any other act during the time he shall continue a soldier, and be in actual service.

Encouragement to those who will enlist.

IX. And to prevent as far as may be, any unjust or fraudulent arrests, executions, or distresses, that may be made upon soldiers, whereby his majesty and the public may be deprived of their service, *It is hereby further enacted by the authority aforesaid,* That no

Remedy against fraudulent arrests, on those enlisted.

person who shall enlist, and enter himself as a volunteer, in his majesty's service as a soldier, according to the directions and intent of this act, shall be liable to be taken out of his majesty's service, by any process or execution whatsoever, other than for some criminal matter, neither shall any attachment, execution, or distress be made on their estates, unless for a real debt or other just cause of action, and unless before the taking out of such process, execution, attachment, or distress made, the plaintiff or plaintiffs therein, or landlord, or some other person or persons, on his or their behalf, shall make affidavit before the clerk of the court, out of which such process or execution shall issue, or before some justice of the peace of the county (who are hereby authorized to administer such oath) that to his or their knowledge, the sum justly due and owing to the plaintiff or plaintiffs, landlord or landlords, from the defendant or defendants, tenant or tenants, in the action or cause of action, on which such process shall issue, or the debt for which such execution or attachment shall be issued out, or distress made, amounts to the value of ten pounds, or two thousand pounds of tobacco at least, over and above the penalty, and all costs of suit in the same action, or in any other action on which the same shall be grounded, or that such defendant or defendants, is about to remove his or their estate or estates, out of this colony, a memorandum of which oath shall be marked on the back of such process, execution, or attachment, by the clerk or justice, without fee or reward; and also the landlord before any distress shall be made, shall deliver such affidavit to the officer, who is to make the same. And if any person shall be, nevertheless, arrested, or his goods or effects, taken in execution, attached or distrained, contrary to the intent of this act, it shall and may be lawful, for two or more justices of the county where such process shall issue, or distress be made, on complaint made thereof by the party himself, or by any his superior officers, or any of his friends to examine into the same by the oath of the parties, or otherwise, and by warrant under their hands and seals, to discharge such soldier so arrested, or his goods and effects, taken in execution, attached or distrained, contrary to the intent of this act, without paying any fee or fees upon due proof made before them, that such soldier so ar-

rested, was legally inlisted as a soldier, and arrested, or his goods or effects taken in execution, attached or distrained, contrary to this act:

X. *Provided also, and be it enacted by the authority aforesaid,* That no person inlisted as a soldier, his executors or administrators, shall take any advantage of the limitation of time, in delivering any article, or commencing any action against them for the recovering any debt by him or them due or owing to any person whatsoever, in respect of the time such debtor shall be privileged under this act: And in case the said number of men cannot be raised, by such as will voluntarily inlist in the said service within three months, after the passing this act, it shall and may be lawful, for the field officers and captains of the militia, of each of the counties in this colony, or the major part of them, by direction from the governor, to draft out of the militia of their counties, respectively, such and so many of their militia, who have not wives or children, as will make up the said number, to be employed in the said service, who shall be entitled to the same privileges, exemptions, and pay, as if they had voluntarily inlisted themselves: And if any person so drafted, shall refuse to serve accordingly, or find and provide some other able person to serve in his room, every person so refusing shall forfeit and pay the sum of ten pounds to our sovereign lord the king, to the same uses as the several taxes hereby laid are appropriated, and in case of failure in paying down the same, to such officer (to be by him accounted for, and paid to the treasurer, as aforesaid) or giving sufficient security for the payment of the same on the tenth day of April next, that then such person shall by warrant from any justice of the peace of the county, be committed to goal, there to remain until he shall agree to enter into the said service, or provide another as aforesaid, or pay or give security for the penalty, as aforesaid.

No advantage shall be taken of the act of limitation by those exempted from arrests.

Militia to be drafted.

XI. *And be it further enacted, by the authority aforesaid,* That if any person or persons inlisted or drafted by virtue of this act, shall be so maimed or wounded, as to be rendered incapable of maintaining themselves, they shall upon their return, be supported at the public expence. And whereas the officers and private soldiers of the forces levied in this colony, have in the late engagement on the Monongahela, behaved gallantly, and sustained great losses thereby;

Persons maimed in the service to be supported by the public.

Reward to the officers and private men, who behaved gallantly in the late engagement.

XII. *Be it enacted by the authority aforesaid,* That the treasurer be impowered and required, out of the money raised or to be raised, for the protection of his majesty's subjects in the frontiers of this colony, to pay to colonel George Washington, the sum of three hundred pounds, to Adam Stephen, Thomas Waggoner, and Robert Stewart, captains, seventy five pounds each; to William Bronaugh, Walter Stewart, Hector MacNeal, and Henry Woodward, lieutenants, and to James Craig, surgeon, thirty pounds each; and to each of the private men, who were in the said engagement and survived, and continue in the service, five pounds over and above their wages, as a reward and compensation, for their gallant behaviour and losses. And whereas the public magazine stands exposed to the designs of evil minded persons,

Directors appointed to treat and agree with workmen to build a wall round the magazine.

XIII. *Be it further enacted, by the authority aforesaid,* That Peyton Randolph, esquire, Carter Burwell, John Chiswell, Benjamin Waller, and James Power, gentlemen, or any three of them, be, and are hereby appointed directors, to treat and agree with workmen, to erect a high and strong brick wall, to inclose the said magazine, and to build a guard house convenient thereto. And that the said directors apply to the governor, to issue his warrant to the treasurer of this colony, for the payment of such sums of money, as they shall from time to time have occasion for, for the purposes aforesaid, and account for the same to the General Assembly, when the said work shall be finished. And whereas by reason of the long time allowed, for collecting the duties imposed by this act, (which from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended:

Treasury notes to be emitted.

XIV. *Be it therefore enacted,* That it shall and may be lawful for the said John Robinson, treasurer, or the treasurer for this colony, for the time being, appointed as aforesaid to issue or emit at any time or times, before the first day of August next ensuing, and not after, in such proportions, as he shall find necessary, to answer the demands that shall be made upon him, for the purposes aforesaid, or for the reward allowed by law for Indian enemies, killed or taken prisoners, any number of treasury notes, so as

the whole sum of such notes so to be issued, shall not exceed the sum of forty thousand pounds current money, which notes shall be prepared, printed or engraved, and numbered in such form, and after such method, as he the said treasurer, for the time being, shall judge most convenient for their circulating in payments, and being safe from counterfeits or forgeries, and shall be signed by John Robinson, esquire, or the treasurer for the time being, and Peyton Randolph, esquire, and John Chiswell, gentleman; who shall be allowed fifty pounds each, for their trouble in doing the same, to be deducted out of the allowance to the treasurer, for emitting the said notes, and the said treasurer shall be allowed two per cent. upon the amount of the notes so to be issued, for his trouble therein.

XV. *And be it further enacted, by the authority aforesaid,* That all such notes so to be issued, shall be receivable on the last day of June, one thousand seven hundred and sixty, and shall then be paid by the treasurer, for the time being, with interest after the rate of five per centum per annum, from the date thereof. And further, that all such notes so to be issued, shall be received and pass as a lawful tender in payment of any debt, duty, or demand, whatsoever, (except for the payment of his majesty's quit rents, and the duties imposed by two acts of Assembly, the one intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects, against the insults and encroachments of the French, and the other intituled, An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French, and for other purposes therein mentioned, from the time of issuing such notes, until the time before specified for the redemption thereof, at the treasury as aforesaid.

XVI. *And be it further enacted by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase any such treasury note, or shall tender in payment by way of barter, or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person or persons, so offending, if

Their currency and redemption.

Penalty on forging such notes.

R R R—Vol. 6.

lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The security for their redemption.

XVII. *And be it further enacted*, That the money to be raised by the duties imposed by this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued. And the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

Treasurer to give further security.

XVIII. *And be it further enacted, by the authority aforesaid*, That John Robinson, esquire, treasurer of this colony, shall give such further security, as shall be approved by the governor, or commander in chief of this colony, in the sum of forty thousand pounds, for the due answering and paying all the money, by him received from time to time, and for the due and faithful performance of his said office, and in case of his death, resignation, or disability, the treasurer to be appointed in his stead, shall in like manner give such further security, before he enters into his said office.

CHAP. II.

An Act for the better regulating and training the Militia.

Preamble.

I. WHEREAS the act of Assembly made in the twelfth year of his majesty's reign, intituled, An act for the better regulation of the militia, hath proved very ineffectual, whereby the colony is deprived of its proper defence in time of danger:

All the officers of the militia to be resident in their counties.

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same*, That from, and after the passing of this act, all county lieutenants, colonels, lieutenant colonels, and other inferior officers, bearing any commission in the

lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The security for their redemption.

XVII. *And be it further enacted*, That the money to be raised by the duties imposed by this act, shall stand, be, and remain, as a security for the redemption of the said treasury notes so to be issued. And the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands, by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

Treasurer to give further security.

XVIII. *And be it further enacted, by the authority afore said*, That John Robinson, esquire, treasurer of this colony, shall give such further security, as shall be approved by the governor, or commander in chief of this colony, in the sum of forty thousand pounds, for the due answering and paying all the money, by him received from time to time, and for the due and faithful performance of his said office, and in case of his death, resignation, or disability, the treasurer to be appointed in his stead, shall in like manner give such further security, before he enters into his said office.

See also original
p. 531

• CHAP. II.

An Act for the better regulating and training the Militia.

Preamble.

I. WHEREAS the act of Assembly made in the twelfth year of his majesty's reign, intituled, An act for the better regulation of the militia, hath proved very ineffectual, whereby the colony is deprived of its proper defence in time of danger:

All the officers of the militia to be resident in their counties.

II. *Be it therefore enacted by the Lieutenant Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same*, That from, and after the passing of this act, all county lieutenants, colonels, lieutenant colonels, and other inferior officers, bearing any commission in the

401. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Feb. 27, 1752—Aug. 5, 1755, pp. 530-544.

militia of this colony, shall be an inhabitant of, and resident in the county of which he is, or shall be commissioned to be an officer of the militia.

III. *And be it further enacted, by the authority aforesaid,* That the lieutenant, or in his absence, the chief officer of the militia in every county shall list all male persons, above the age of eighteen years, and under the age of sixty years, within this colony, (imported servants excepted) under the command of such captain, as he shall think fit, within two months after the passing of this act. Who to be listed in the militia.

IV. *Provided always,* That nothing herein contained shall be construed to compel any persons hereafter mentioned, to muster. that is to say, such as are members of the council, speaker of the house of Burgesses, receiver general, auditor, secretary, attorney general, clerk of the council, clerk of the secretary's office, ministers of the church of England, the president, masters or professors, and students of William and Mary college, the mayor, recorder, and Aldermen of the city of Williamsburg, and borough of Norfolk, the keeper of the public goal, any person being *bona fide*, an overseer over four servants or slaves, and actually residing on the plantation where they work, and receiving a share of the crop or wages, for his care and pains, in looking after such servants and slaves: Any miller having the charge and keeping of any mill, and founders, keepers, or other persons employed in or about any copper, iron or lead mine, who are all hereby exempted, from being inlisted, or any way concerned in the militia, during the time they shall continue in any such station or capacity. Who to be exempted.

V. *And be it further enacted, by the authority aforesaid,* That every person so as aforesaid inlisted, (except the people commonly called Quakers, free Mulattoes, negroes and Indians) and placed or ranked in the horse or foot, shall be armed and accoutred in the manner following, that is to say; every horseman shall be furnished with a serviceable horse, a good saddle, with a breast-plate, crupper and curb bridle, carbine and bucket, holsters, a case of pistols, cutting sword, double cartouch box, and six charges of powder, and constantly appear with the same, at the time and place appointed for muster and exercise, and shall keep at his place of abode, one pound of powder and four pounds of ball, and bring the same into the field with How to be accoutred.

him when thereunto required: And every footman shall be furnished with a firelock well fixed, a bayonet fitted to the same, a cutting sword, a double cartouch box, and three charges of powder, and constantly appear with the same, at the time and place appointed for muster and exercise as aforesaid, and shall also keep at his place of abode, one pound of powder and four pounds of ball, and bring the same with him into the field when he shall be required. And if it shall be made appear to the court of any county, by the lieutenant or chief commanding officer in the county, and captain of any company, that any soldier enlisted in the foot, is so poor, as not to be able to purchase the arms aforesaid; then such court shall, and they are hereby required immediately, to depute some person to send for the same to England, by the first opportunity, and to levy the charge thereof in the next county levy, which arms so to be sent for, shall be marked with the name of the county; and if any person shall presume to buy or sell any such arms, so provided as aforesaid, then and in such case, every person so buying or selling, shall forfeit and pay the sum of six pounds, to be recovered with costs by information before the court of the county to which the arms shall belong, or in the court of the county wherein the offender or offenders shall reside, one moiety whereof shall be to, and for the use of the county, to which the arms shall belong, for the purchasing other arms, and the other moiety to the informer; and all arms purchased by any county, and delivered to any poor soldier, as aforesaid, shall on his death or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain of the company to which such poor soldier did belong, to be by such officer delivered to any other poor soldier, that the commanding officer of the said county shall adjudge unable to provide himself with arms as aforesaid.

Persons exempted to find a certain number of arms.

VI. *And be it further enacted, by the authority aforesaid,* That the several persons herein after exempted from mustering, (except ministers of the church of England, the president, masters or professors, and students of William and Mary college, the keeper of the public goal, overseers and millers, and all workers in any mine whatsoever) shall provide arms for the use of the county, city or borough, wherein they shall respectively reside in the following manner; that

is to say, each councillor not being an officer of the militia, four complete sets of arms, as is herein before directed for a foot soldier: The speaker of the house of Burgesses not being an officer of the militia, four compleat sets of arms as before: The receiver general, auditor, and secretary, not being a councillor or officer of the militia, each four compleat setts as before: The attorney general, not being an officer of the militia, two compleat sets as before: The clerk of the council, and clerk of the secretary's office, not being officers of the militia, each two compleat sets as before: The mayor, recorder, and aldermen of the city of Williamsburg, and borough of Norfolk, (not before by this act obliged, and not being officers of the militia) each two compleat sets, as before. And if they shall fail or refuse so to do, within twelve months after the passing this act, then it shall and may be lawful, for the several courts of the counties, wherein the persons before mentioned shall reside, and they are hereby impowred and required to levy the value of the same on each of them respectively.

VII. *And be it further enacted by the authority aforesaid,* That all such free mulattoes, negroes and Indians, as are or shall be listed, as aforesaid, shall appear without arms, and may be employed as drummers, trumpeters or pioneers, or in such other servile labor, as they shall be directed to perform. And for the better training and exercising the militia, and rendering them more serviceable.

How mulattoes, negroes, and Indians, may be employed.

VIII. *Be it further enacted, by the authority aforesaid,* That every captain shall once in three months, and oftner if thereto required, by the lieutenant or chief commanding officer in the county, muster, train and exercise his troop or company, and the lieutenant or other chief commanding officer in the county, shall cause a general muster and exercise of all the troops and companies within his county, to be made in the months of March and September yearly: And if any soldier, shall at any general or private muster, refuse to perform the commands of his officer, or behave himself refractorily or mutinously, or misbehave himself at the courts martial, to be held in pursuance of this act, as is herein after directed, it shall and may be lawful to, and for the chief commanding officer, then present, to fine every such soldier, if an horseman, any sum not exceeding ten shillings, and if a footman,

When general musters shall be called.

Where persons misbehave themselves at any private or general muster, how to be punished

not exceeding seven shillings and six pence, which fine shall be immediately paid down to such officer; but in case any such offender shall not be able to pay down such fine immediately, then he shall give good security to such officer, for the payment of the same in three months. And in case any soldier so fined, as aforesaid, shall refuse or fail to pay down his fine, or to give such security for paying the same as aforesaid, then it shall and may be lawful, for such officer, and he is hereby impowered by warrant under his hands, to commit every such soldier to the county goal, there to remain without bail or mainprize, for any time not exceeding three days, and the offender or offenders so committed, shall not be thence discharged, until the lawful fees for commitment, imprisonment, and discharge, shall be fully paid and satisfied. And every captain, or in his absence the lieutenant, shall duly make a list of all the persons upon his muster-roll, who shall be summoned, and do not appear at any of the said musters armed and accoutred, as by this act is directed, and return the same with the names of all officers, who shall be absent to the next court martial: And every captain shall have power to appoint a clerk to his troop or company, who shall keep the muster-rolls, and attend all musters with the same, and such clerk shall be exempted from mustering but shall appear with arms at all such musters. And further, it shall and may be lawful, for the lieutenant, or other chief officer of the militia in the county, to order all soldiers listed therein, to go armed to their respective parish churches.

The court
martial.

IX. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the field officers and captains of every county, or the major part of them, whereof the county lieutenant, colonel, lieutenant colonel, or major, shall be one, and they are hereby required to meet at the court-house of their counties, respectively, the day next following the general muster in September, every year, if fair, if not, the next fair day, then and there to hold a court martial, which court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons listed, and to exempt such as they shall adjudge incapable of service, and of all delinquents returned by the captains, for absence from musters, or appearing without arms and accoutrements. And where any

person is returned a delinquent to a court martial, and shall not be able by reason of sickness, or other real disability to attend such court, to give in his reasonable excuse for such delinquency; it shall and may be lawful, for the succeeding court martial, to be held for such county, city or borough, wherein such person shall be returned a delinquent, upon such reasonable excuse then offered, to remit such fine or fines, levied by the preceeding court martial on such person: And such court shall and may, and they are hereby empowered to administer an oath or oaths, to any person or persons, for their better information in the premisses, and to order the fines inflicted by this act, not otherwise directed, to be levied upon all delinquents who shall not make out some just excuse, for not performing their duty, and to order and dispose of all such fines, for buying drums, trumpets and trophies for the use of the militia of the county, and for supplying the militia of the said county with arms. And the said courts shall have full power, and are hereby required to keep a register of all their proceedings, and for that purpose to appoint a clerk, and to allow him such salary for his service, out of the said fines, as they in their discretion shall think reasonable: And after the holding of every such court, the clerk shall make out copies of all their orders, and deliver the same within one month next following the said court to the sheriff of the county, who is hereby required to demand and receive the money or tobacco therein charged, of the persons made chargeable therewith, and in case of non-payment, on or before the tenth day of April, then next following, to levy the same by distress and sale of the goods of the person refusing according to the directions of the laws now in force, enabling the sale of goods distrained for rent; and where any delinquent shall remove out of the county, before he hath paid and satisfied all fines laid on him, in pursuance of this act, and shall not leave sufficient effects in the county, to satisfy the same, then the said clerk shall send copies of the said court's orders against such delinquents to the sheriff of the county, into which he or they shall be removed, and such sheriff is hereby empowered and required to collect, levy and account for the same, in the manner herein before directed.

X. *And be it further enacted, by the authority afore-* Penalties.
said. That the several persons hereafter mentioned,

failing to do their duty, in the manner by this act directed, shall forfeit and pay the several sums following, respectively; that is to say, the lieutenant of any county or the chief commanding officer there, failing to appoint a general muster, in the month of March, and another in the month of September, in every year, not having a reasonable excuse, shall for every such failure, forfeit and pay the sum of twenty pounds; every county lieutenant, colonel, lieutenant colonel and major failing to appear at every such general muster, or at the court martial, shall forfeit and pay ten pounds for every such failure; every captain who shall fail to muster and exercise his troop or company, four times a year, or oftner if thereto required, shall forfeit and pay forty shillings, for every time he shall so fail to muster and exercise; and every captain failing to appear at every general muster and court martial, shall forfeit and pay five pounds, for every such failure; every lieutenant who shall fail to appear at any muster, shall forfeit and pay twenty shillings, for every such failure; and every coronet and ensign ten shillings, for every such failure; and every captain, or in his absence the lieutenant, failing to return a list of the persons who shall not appear at musters, or shall appear without arms and accoutrements, shall forfeit and pay ten pounds, for every such failure; every clerk failing to appear with arms shall pay ten shillings, for every such failure; every soldier refusing to serve as a serjeant, corporal, drummer or trumpeter, being thereunto required by his captain, shall pay five shillings, for every muster that he shall so refuse; every person inlisted to serve in the horse, appearing at muster without a serviceable horse, with a good saddle, breast-plate, crupper and curb-bridle, carbine and bucket, shall pay five shillings, for every such failure; and such persons appearing at muster as aforesaid, without holsters, a case of pistols, cutting-sword, double cartouch-boxes, and six charges of powder and ball shall pay five shillings, for every such failure; and every person listed to serve in the foot, appearing at such muster without a firelock well fixed, and a bayonet fitted to the same, shall pay three shillings, for every such failure; and every such person appearing at such muster, as aforesaid, without a cutting-sword, a double cartouch-box, and three charges of powder and ball shall pay three shillings, for every such failure;

and every soldier, either of the horse or foot, failing to appear at such muster, shall forfeit and pay ten shillings, for every such failure. *Provided*, That no person be fined above six times in the year for any particular default; every soldier ordered to go armed to church, neglecting so to do, shall pay five shillings, for every such failure; and every clerk of a court martial failing to deliver the orders of the court martial to the sheriff or sheriffs, within the time before limited, shall forfeit and pay fifty pounds.

XI. *And be it further enacted, by the authority aforesaid*, That every officer of the militia within this colony, shall at all times that he acts on duty, at any private or general muster appear well armed in the following manner, that is to say, every county lieutenant, colonel, lieutenant colonel, major, captain, and lieutenant of the horse, with a cutting sword and one horse equipt, with holsters and pistols well fixed; every colonel, lieutenant colonel, major, captain, and lieutenant of the foot, with a half pike or partisan, and a cutting-sword; every cornet of horse with a cutting-sword and holsters, and pistols well fixed; every ensign with a cutting sword; every corporal and sergeant with a cutting sword and halbert, under the penalty of ten shillings, for every time that every such officer shall appear without such arms. All which fines shall be levied by the court martial, directed to be held by this act, in such county, city or borough, wherein such officers shall act as an officer, and be appropriated to the same uses, as is before directed, for the appropriation of the fines levied on the soldiers of the militia appearing unarmed:

Officers how
to be armed
at musters.

XII. *Provided nevertheless*, That every such officer shall have twelve months allowed him after his promotion to such office, for the furnishing the arms, as aforesaid, but in the mean time shall appear with such of the said arms, as he already hath. And the same fines and penalties shall be paid by the officers and soldiers of the militia, in the city of Williamsburg, and borough of Norfolk, in case of their failing or refusing to do, and perform the several services, and to appear armed and accoutred in the same manner, as is by this act required, of the officers and soldiers of the militia, of the several counties:

The time allowed to provide such arms.

XIII. *Provided also, and it is hereby enacted*, That twelve months time be given and allowed to each soldier

The time allowed soldier

diers to furnish themselves with arms.

dier, to furnish and provide himself with arms and ammunition, according to the directions of this act, and that no soldier be fined for appearing without, or not having the same at his place of abode, until he hath been inlisted twelve months, as aforesaid, so as such soldier do appear at all musters, during the said twelve months, with such arms as he hath, and is already furnished with: And if any soldier shall appear at any muster not armed and accoutred, according to the directions of this act, it shall and may be lawful, for the captain of the troop or company to which such soldier shall belong, to examine such soldier upon oath, whether he hath any, and what arms and ammunition he really hath of his own property, and if on such examination it shall appear, that such soldier hath any arms or ammunition of his own property, and hath not brought the same, or so much thereof, as this act requires, to such muster, he shall be liable to the penalties inflicted by this act, although he hath not been inlisted twelve months; and where any person inlisted pursuant to this act in any county, shall remove to another county, the time for furnishing himself with arms and ammunition shall commence from the time of his being first inlisted in the county, from whence he removed. And for an encouragement to every soldier to provide and furnish himself according to the directions of this act and his security to keep his arms and ammunition when provided:

Arms exempted from executions, &c.

XIV. Be it further enacted by the authority aforesaid, That the furniture, arms and ammunition, provided and kept in pursuance of this act, be free and exempted at all times from being impressed upon any account whatsoever; and likewise, from being seised or taken by any manner of distress, attachment or writ of execution, and that every distress, seizure or execution, made or served, upon any of the premises, be unlawful and void, and that the officer or person who presumes to make or serve the same, be liable to the suit of the party grieved, wherein double damages shall be given upon a recovery, and every person going to, attending at, or returning from muster, shall be privileged and exempted from arrests, and from being served with any other process, in any civil action or suit.

No exempted overseer or miller to

XV. And be it further enacted, by the authority aforesaid, That if any exempted overseer or miller, shall presume to appear at any muster, or in any muster-

field whatsoever, on the day on which such muster shall appear at be appointed, the party so offending, shall for every muster. such offence forfeit and pay ten shillings, to be assessed upon him by the next court martial, upon a certificate of the offence to them made, by the captain or chief officer present at such muster, and levied, accounted for, and appropriated in the same manner, as the other fines ordered by the court martial: And that the fines and penalties incurred by infants and servants for the breach or neglect of their duty in any particular service by this act required, of them, shall be paid by the parent, guardian or master, respectively; and if the breach or neglect of such servants is not occasioned by their master's influence or direction, then the fines incurred by them, and so paid by the master, shall be repaid to the master by the further service of such servant, after the time they are bound to serve is expired; which shall be determined by the county court or court of Hustings, in the city of Williamsburg or borough of Norfolk, wherein either of the parties reside, upon complaint made to them thereof, by such master.

Fines incurred by infants and servants, how to be paid.

XXI. And be it further enacted, by the authority aforesaid. That if any sheriff shall refuse to receive the orders of any court martial offered to him, by virtue of this act, or to collect and levy the fines herein mentioned, such sheriff upon a motion and complaint thereof made to the county court or general court, shall be fined for every such refusal, one hundred pounds, to be appropriated in the same manner, as the other fines last mentioned: And if any sheriff taking upon himself such collection, or receiving the said orders, shall fail to account for, and pay what he shall have received, by virtue thereof to the receiver, to be appointed for that purpose by the court martial, deducting six per cent. only. for his commission, in collecting and receiving; upon a motion or complaint made against him by the said receiver, or the commanding officer of the militia, to the county court or general court, such court shall give judgment, and award execution against him, his executors or administrators for the same: *Provided,* That such sheriff, his executors, administrators, have ten days previous notice of such motion. And if any receiver heretofore appointed, or hereafter to be appointed, hath failed or shall fail to account with the court martial when required, or to apply the money by him re-

Sheriff to collect the fines assessed by court martial.

ceived or to be received, as he hath been or shall be directed by the court martial, that then upon a motion or complaint made to the county court or court of Hustings, in the City of Williamsburg, or Borough of Norfolk, respectively, by any officer of the militia against such receiver, such court shall give judgment and award execution against him, his executors, or administrators for the same, and cause the money to be appropriated to the uses directed by the court martial: *Provided*, That such receiver, his executors or administrators, have ten days previous notice of such motion. And if any sheriff hath heretofore failed to account for, and pay all militia fines collected by him, upon a motion or complaint made by the receiver or commanding officer of the militia of the county whereof he is or hath been sheriff, to the general or county court, such court shall give judgment and award execution against him, his executors or administrators, for the same: *Provided*, notice be given to such sheriff, his executors, or administrators, as aforesaid.

Every commission officer to take certain oaths.

XVII. *And be it further enacted by the authority aforesaid*, That every commission officer in the militia, shall before he acts under or executes any such commission in the court of his county, take the oaths appointed by law, to be taken instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the same with the test: and that every county lieutenant, colonel, lieutenant colonel, major and captain, at the time of holding every court martial, before they hold the same shall take the following oath, which shall be first taken by the presiding officer then present, and then be by him administred to the rest of the officers, *to wit*:

I A. B. do swear that I will do equal right and justice to all men, according to the act of Assembly, for the better regulation and training of the militia.

And every person accepting a commission in the militia, who shall neglect or refuse to qualify himself to act under the same, by taking and subscribing the oaths and test before mentioned, within three months after receiving his commission, every such person shall forfeit and pay the sum of five pounds.

XVIII. *And be it further enacted, by the authority aforesaid*, That the present commission officers of the militia in this colony, shall have full power and authority to hold and execute their respective commis-

The present commission officers to act until other-

sions, until the governor, or commander in chief of this dominion, shall issue new commissions, or direct or order otherwise, any thing in this act to the contrary, notwithstanding.

XIX. *And be it further enacted,* That the fine by this act imposed on the lieutenant or chief commanding officer of the militia, for neglecting to order general musters, shall be one moiety to the informer, and the other to and for the use of the county, for providing arms, and shall and may be recovered with costs by action of debt or information, in any court of record.

XX. *And be it further enacted,* That if there be no court martial held, the penalties herein before inflicted on officers, not attending such court martial, or the general muster, shall be recovered against the officers failing to attend or appear, and collected in the same manner, as is herein before directed, for recovering and collecting the fines and penalties laid on officers failing to appoint general musters.

XXI. *And be it further enacted by the authority aforesaid,* That the adjutant general, for the time being, with one servant and their horses, shall be exempted from the payment of ferriages at all public and other ferries, within this colony; and that the respective ferry keepers shall give him, and his servant and horses immediate passage at all such ferries, as in the case of public expresses, any law or custom to the contrary notwithstanding.

XXI¹. *And be it further enacted by the authority aforesaid,* That all and every other act and acts, and every clause and article therein contained, for the settlement and regulation of the militia, or any other matter or thing, within the purview of this act, shall be, and is hereby repealed and made void to all intents and purposes whatsoever:

XXIII. *Provided always,* That nothing in this act contained, shall extend, or be construed to extend to the inhabitants of the city of Williamsburg, or borough of Norfolk, so as to oblige them to muster or serve in the militia, out of the said city or borough, but that such inhabitants, shall be listed and trained in manner as is directed by the acts of Assembly, made in the ninth and twelfth years of the reign of his late majesty king George the first, intituled, An act for enlarging the jurisdiction of the court of Hustings, in

wise directed by the governor.

Appropriation of the fine on the lieutenant, &c. neglecting to order general musters.

How the penalties to be recovered in officers failing to attend courts martial.

The adjutant general.

Repealing clause.

The inhabitants of Williamsburg & Norfolk, not obliged to muster out of the city or borough.

the city of Williamsburg, within the limits thereof: And an act to prevent the inhabitants of the borough of Norfolk, from being compelled to serve in the militia of the county of Norfolk, and to exempt sailors or seamen in actual pay on board any ship or vessel from serving in the militia, any thing in this act to the contrary notwithstanding. And whereas the method by the said recited acts prescribed for fining delinquents in the militia of the said city or borough, hath been found inconvenient; for remedy thereof,

Courts martial to be held in Williamsburg & Norfolk.

XXIV. *Be it further enacted, by the authority aforesaid,* That from and after the passing this act, the colonel, major, and captains of the militia of the said city of Williamsburg, and borough of Norfolk, or the major part of them, whereof the colonel or major shall be one, shall, and they are hereby impowered and required to hold a court martial at the court houses of the said city and borough, respectively, in the same manner, and for the same purposes as the courts martial are by this act directed and appointed to be held in the counties, any thing in the said recited acts to the contrary notwithstanding.

Officers exempted from serving in the militia of the city or borough.

XXV. *And be it further enacted,* That the colonel, or chief commanding officer of the said city or borough, shall not by virtue of the two last recited acts be suffered to enlist in the militia, of the said city or borough, any persons that are officers of the militia in the counties wherein such city or borough shall lie. And for establishing a better method of appointing patrollers, and for declaring their duty therein;

Method of appointing patrollers.

XXVI. *Be it enacted by the authority aforesaid,* That it shall and may be lawful, for the chief officer of the militia in every county, and he is hereby required, some time before the tenth day of June yearly, to appoint an officer, and so many men of the militia, as to him shall appear to be necessary, not exceeding four, once in every month or oftener if thereunto required by such chief officer, to patrol and visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid unlawfully assembled, or any other strolling about from one plantation to another, without a pass from his or her master, mistress or overseer, and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, stroller, or other dis-

Duty of patrollers.

orderly person, as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back, well laid on. And in case one company of patrollers shall not be sufficient, to order more companies, for the same service. And after every patrol, the officer of each party shall return to the captain of the company wherunto he belongs, a report in writing upon oath, (which oath such captain is hereby impowered to administer) of the names of those of his party, who were upon duty, and of the proceedings in such patrol: And each captain shall once in every month deliver such patrol returns to the county lieutenant, or chief commanding officer in his county, by whom they shall be certified and delivered to the next court martial; and if they shall adjudge the patrollers to have performed their duty according to law, the chief officer shall certify the same to the county court, who upon such certificate, are hereby impowered and required at the laying of their county levy, to allow to, and levy for every one of the patrollers, ten pounds of tobacco for every twenty four hours they shall so patrol, and moreover, such patrollers shall be exempt from the payment of public, county, and parish levies, for their own persons, for those years in which they shall be employed in that service.

XXVII. *And be it further enacted, by the authority aforesaid,* That if the chief officer of the militia in any county shall fail to appoint patrollers, according to the directions of this act, such officer shall forfeit and pay the sum of five pounds, and every person appointed to patrol, in pursuance of this act, failing to do his duty therein, shall pay the sum of five shillings for every failure; which fines shall be laid by the court martial of the county, and shall be collected, levied, accounted for, and appropriated, as is herein before directed, for the collecting, levying, accounting for, and appropriating, the several fines and penalties herein before laid: And in like manner the chief officer of the militia, in the aforesaid city of Williamsburg, or borough of Norfolk, shall appoint all the persons of their militia, to patrol within the said city and borough, or within half a mile of the limits thereof by turns, in such numbers, and at such times, as they shall think necessary; which officers and patrollers, shall be subject to the same fines and penalties, and

Their reward.

Penalty on chief officers failing to appoint patrollers.
Penalty on patrollers failing to do their duty.

Patrol in Williamsburg and Norfolk.

to be recovered and appropriated in the same manner, as is herein before directed, in the case of patrollers in the counties.

General
issue may be
plead and
the special
matter given
in evidence.

XXVIII. *And be it further enacted, by the authority aforesaid,* That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol, pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to, and for every person and persons against whom such action or suit shall be brought, to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit, or discontinue his suit, then the defendant shall recover treble costs.

Costs.

Commence-
ment.

XXIX. *And be it further enacted, by the authority aforesaid,* That this act shall commence, and be in force, from and after the second day of October next, for, and during the term of two years, and no longer.

CHAP. III.

An act for amending an act, intituled, An act for making provision against invasions and insurrections.

Preamble.

I. WHEREAS it is necessary in this time of extreme danger, that the act of Assembly made in the twenty second year of his majesty's reign, intituled, An act for making provision against invasions and insurrections, should be amended, the more especially, to prevent the incursions of the French and Indians,

Officers re-
ceiving no-
tice of an in-
vasion or in-
surrection to
give notice
to the coun-
ty lieuten-
ant.

II. BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That every officer of the militia, to whom notice shall be given of any invasion or insurrection, shall raise the militia under his command, and send intelligence to the county lieutenant, or in his absence to the chief commanding officer residing in the coun-

to be recovered and appropriated in the same manner, as is herein before directed, in the case of patrollers in the counties.

General
issue may be
plead and
the special
matter given
in evidence.

Costs.

Commence-
ment.

XXVIII. *And be it further enacted, by the authority aforesaid, That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol, pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to, and for every person and persons against whom such action or suit shall be brought, to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit, or discontinue his suit, then the defendant shall recover treble costs.*

XXIX. *And be it further enacted, by the authority aforesaid, That this act shall commence, and be in force, from and after the second day of October next, for, and during the term of two years, and no longer.*

CHAP. III.

An act for amending an act, intituled, An act for making provision against invasions and insurrections.

Preamble.

I. WHEREAS it is necessary in this time of extreme danger, that the act of Assembly made in the twenty second year of his majesty's reign, intituled, An act for making provision against invasions and insurrections, should be amended, the more especially, to prevent the incursions of the French and Indians,

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II. *BE it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That every officer of the militia, to whom notice shall be given of any invasion or insurrection, shall raise the militia under his command, and send intelligence to the county lieutenant, or in his absence to the chief commanding officer residing in the coun-*

402. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 6, W. Hening, 1819; Act, Feb. 27, 1752—Aug. 5, 1755, pp. 544-550.

ty, as in the said recited act he is directed to do; and shall moreover, immediately proceed to oppose the enemy, according to the orders he shall receive from his chief commanding officer, until further orders arrive from the governor, or commander in chief of this dominion, for the time being, and such county lieutenant, or chief commanding officer, shall give immediate notice to the officers of the militia of the next adjacent counties, of such invasion or insurrection, and the situation and circumstances of the enemy, according to the best of his information and judgment; and such officer to whom such notice shall be given, if not the chief commanding officer in the county, shall give immediate notice to his commanding officer, of the information that he shall receive, who shall immediately raise the militia of his county, and march part thereof, (not exceeding two thirds) against such enemy, if the circumstances of the case shall require it, which shall be enquired into by a council of his field officers, and captains, or the major part of them; which council every such commanding officer is hereby impowered and required forthwith to summon and hold; and such commanding officer shall cause the remaining part of his militia not so marched, to remain in arms in the county, for the defence and protection thereof, until he shall receive orders from the governor, or commander in chief, as aforesaid.

III. *And be it further enacted, by the authority aforesaid,* That any officer receiving information of any invasion or insurrection, from any officer of an adjacent county, in the manner herein before expressed, that shall refuse to raise his militia, and call a council of his field officers and captains, for the determination of what is necessary to be done on such information, shall forfeit and pay the sum of two hundred pounds, and every officer summoned to such council, as aforesaid, that shall refuse to attend the same, shall forfeit and pay the sum of fifty pounds.

Penalty on officers failing to call a council, and on officers summoned, failing to attend.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia, who upon occasion of any invasion or insurrection, shall receive any orders or instructions from the governor, or commander in chief, for the time being, or from any other his superior officer, either for calling together the soldiers, or marching them to any particular place, shall neglect, or refuse to execute such orders and instruc-

Fines.

tions, in the best manner he is capable, every such officer so neglecting or refusing, shall respectively forfeit and pay the sums following, that is to say, every lieutenant of a county, the sum of two hundred pounds; every colonel, the sum of two hundred pounds; every lieutenant colonel, the sum of two hundred pounds; every major, the sum of one hundred pounds; every captain, the sum of seventy five pounds; every lieutenant, the sum of fifty pounds; every cornet or ensign, the sum of twenty five pounds; every quartermaster, serjeant, or corporal, twenty pounds. And every soldier who shall be summoned to appear upon any such occasion, and shall fail so to do, or shall fail to bring with him his arms and accoutrements, together with one pound of powder and four pounds of ball, shall forfeit and pay the sum of twenty pounds: And if any officer or soldier, during the time the militia shall be employed, for suppressing any invasion or insurrection under this act, shall desert the said service, or raise any mutiny or sedition, in the troop or company to which he belongs, or any other troop or company in the said service, or coming to the knowledge of any such mutiny or intended mutiny, shall not give information thereof, to his commanding officer, and use his utmost endeavour to suppress the same, shall suffer such corporal punishment, as shall be inflicted on him by a court martial, to consist of the field officers and captains then present, not extending to life or member. And every person holding correspondence with, or giving intelligence to the enemy, during the time such militia is employed, for suppressing such invasion and insurrection, shall suffer death, as in cases of felony, without benefit of clergy, upon being thereof lawfully convicted before the general court of this colony.

Felony to hold correspondence with the enemy.

Officers and soldiers raised pursuant to any act, subject to the same penalties for offences mentioned in this act.

V. *And be it further enacted, by the authority aforesaid,* That every officer and soldier, who shall be raised and employed in his majesty's service, pursuant to any act of Assembly of this colony, and shall during the time he is employed in the said service, commit any of the offences mentioned in this act, every person so offending shall be subject to the like punishment, as is herein inflicted for such offence upon officers or soldiers of the militia, employed in suppressing invasions or insurrections; and that courts martial, for punishing such offenders, shall be held by the field

officers and captains, so employed in such service, or if there be no field officers, then by the captains only; and if any person guilty of mutiny or desertion cannot be apprehended, so as to be tried by such court martial, before the militia or soldiers, respectively, shall be discharged from the service they shall be employed in, at the time he shall so mutiny or desert, such person shall in such case, be liable to be apprehended, examined, and tried for such offence in any court of record.

VI. *And be it further enacted by the authority aforesaid*, That in all trials of offenders by any court martial, to be held by virtue of this act, every officer present at such trial before any proceedings be had thereupon, shall take the following oath, (which the presiding officer then present, shall first take himself, and then administer to the others) that is to say,

Officers of court martial to take oath.

I A. B. do swear, that I will well and truly try and determine, according to the evidence in the matter now before me, between our sovereign lord the king, and the prisoner to be tried, and that I will duly administer justice according to the act of Assembly, intituled, An act for amending an act, intituled, An act for making provision against invasions and insurrections; without partiality, favour, or affection; and that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required, to give evidence thereof as a witness, by a court of justice, in due course of law.—*So help me God.*

The form.

And that such court martial shall have power to appoint a clerk, to keep a register of their proceedings, to whom the president of the court shall administer the following oath, *to wit*:

Court martial to appoint a clerk.

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required, to give evidence thereof as a witness by a court of justice, in due course of justice.—*So help you God.*

His oath.

VII. *And be it further enacted, by the authority aforesaid*, That if any inferior officer or soldier, during the time the militia shall be employed for suppressing any invasion or insurrection, as aforesaid, shall disobey the lawful commands of his superior officer, or behave himself refractorily, or shall be guilty of pro-

Punishment for disobeying command.

phane swearing, drunkenness, or any other such like offence, every person so offending, shall pay such fine, or suffer such corporal punishment, not extending to life or member, as by a court martial, to be held as aforesaid, shall be inflicted or imposed.

Not more than five pounds, or twenty lashes for one offence.

VIII. *Provided always*, That no such person shall be adjudged to pay more than the sum of five pounds, or to receive more than twenty lashes, for any one of the said offences, nor be subject to a second trial for the same offence, after he hath been once condemned or acquitted thereof.

General issue may be plead, and the special matter given in evidence.

IX. *And be it further enacted*, That if any officer shall be sued for any thing by him done, in pursuance of this act, it shall and may be lawful, for such officer, to plead the general issue, and give the special matter and this act in evidence.

Militia not to be lead more than five miles beyond inhabitants.

X. *Provided always*, That nothing herein contained shall extend, or be construed to extend, to empower the governor or commander in chief, to lead or march the militia of this colony, or cause them to be lead or marched, more than five miles beyond where the inhabitants of this colony, shall be settled on the western frontiers.

Where an officer cannot deliver up his commission.

XI. *And be it further enacted, by the authority aforesaid*, That if any officer of the militia shall upon receiving the orders of the governor, or commander in chief, or any his superior officer, for raising and marching the militia, according to this act, deliver up his commission, thereby intending to avoid the force of this act, and the punishment for disobeying such orders; every such officer so offending, shall be liable to the same penalty, as by this act is inflicted for disobeying or neglecting such orders, and shall be immediately inlisted as a common soldier by the next officer acting in command, which several fines herein before expressed, shall be recovered and appropriated in the same manner, and to the same uses, as is directed in the said recited act.

The pay of the officers and soldiers drawn out into actual service.

XII. *And be it further enacted by the authority aforesaid*, That there shall be raised and paid by the public, to the officers and soldiers drawn out into actual service, by virtue of this or the said recited act, and to the look outs, after the rates following, *to wit*:

To the county lieutenant or commander in chief,

HORSE.

A Colonel,
Lieutenant Colonel,
Major,
Captain,
Lieutenant,
Cornet,
Quarter Master,
Corporal,
Trumpeter,
Trooper,

Seventy,

Sixty.

Fifty.

Fifty.

Thirty.

Thirty.

Twenty five.

Twenty five.

Twenty two.

Twenty two.

Twenty.

Pounds of Tobacco per day.

FOOT.

A Colonel,
Lieutenant Colonel,
Major,
Captain,
Lieutenant,
Ensign,
Serjeant,
Drummer,
Soldier,

Fifty.

Forty.

Forty.

Thirty.

Twenty five.

Twenty.

Eighteen.

Eighteen.

Fifteen.

A look out after the rate of two hundred pounds of tobacco per month.

XIII. *And be it further enacted, by the authority afore-* The pay of
said, That every smith, wheel wright, carpenter, or smiths,
other artificer, impressed and employed, as by the wheel-
said recited act is mentioned, shall be paid and allow- wrights, car-
ed by the public after the rates following, *to wit:* penters, and
every smith, fifty pounds of tobacco per day; and eve- other artifi-
ry carpenter, wheel wright, or other artificer, forty cers.
pounds of tobacco per day; and every man impressed
to go in a sloop or boat, fifteen pounds of tobacco per
day: And where any sloop, boat, cart or waggon, im- Where wag-
pressed and appraised, according to the directions of gons, boats,
the said recited act, shall be damnified, or horse or &c. impress-
ox hurt, and no justice of the peace can be got to ed.
choose and appoint two indifferent persons to enquire
into such damage, then the proprietor of every such
sloop, boat, cart, waggon, horse or ox, shall be paid
by the public, according to the appraisement thereof,
made at the time of impressing the same.

XIV. *And be it further enacted, by the authority* Fines on sol-
aforeaid, That if any soldier drafted out of the mili- diers diso-
tia to guard and attend any battery, pursuant to the beying com-

mands of
their officers
at any bat-
tery, &c.

directions of the said recited act, shall refuse to obey the commands and orders of the commanding officer at such fort, every such soldier so offending, shall forfeit and pay three pounds to our lord the king, or receive twenty lashes on his bare back, well laid on, for every such refusal.

This act to
be published
at every ge-
neral muster.

XV. *And be it further enacted, by the authority aforesaid,* That this act shall be published at every general muster, during the continuance thereof, by order of the county lieutenant, or chief officer of the militia, then present, under the penalty of ten pounds, for every neglect.

Repealing
clause and
continuance.

XVI. *And be it further enacted, by the authority aforesaid,* That so much of the said recited act, and all and every other act, for so much thereof, as is contrary to any thing within the purview of this act, be, and the same is hereby suspended during the continuance of this act; and that this act shall continue and be in force, from, and after the passing thereof, for, and during the term of two years, and no longer.

Appropriation.

XVII. *And be it further enacted,* That all the fines inflicted by this act, and not otherwise directed, shall be one half to our sovereign lord the king, for, and towards supplying with arms the militia of the county to which the offender belongs, and the other half to the informer, to be recovered with costs, by action of debt or information, in any court of record, within this dominion.

CHAP. IV.

An Act for preventing and repelling the hostile incursions of the Indians, at enmity with the inhabitants of this colony.

Preamble.

I. WHEREAS divers cruel and barbarous murders have been lately committed in the upper parts of this colony, by Indians, supposed to be in the interest of the French, without any provocation from us, and contrary to the laws of nature and nations, and they still continue in sculking parties, to perpetrate their bar-

GEORGE II,

Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, vicesimo nono.

At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign Lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1756, being the first session of this Assembly.

Robert Dinwiddie, esq;
Governor.

CHAP. I.

An Act for raising the Sum of Twenty-five Thousand Pounds, for the better protection of the Inhabitants on the Frontiers of this Colony, and for other purposes therein mentioned.

I. WHEREAS it is necessary that the troops raised for the protection of the frontiers of this colony should be augmented, and money raised for their support and maintenance: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That the sum of one shilling, or ten pounds of tobacco, at the option of the payer, shall be paid for every tithable person in this colony, to the sheriff of the county where such tithable shall be listed, by the person inlisting such tithable, on or*

Preamble.

The tax and how to be collected.

B—Vol. 7.

before, the tenth day of April, one thousand seven hundred and fifty-eight, and the further sum of one shilling, or ten pounds of tobacco, for every such tithable, shall be paid, in like manner, on, or before, the tenth day of April, one thousand seven hundred and fifty-nine; and the further sum of one shilling, or ten pounds of tobacco, for every such tithable, shall be paid in like manner, on or before the tenth day of April, one thousand seven hundred and sixty, which shall be collected by the sheriffs, according to the lists of tithables taken, and subsisting at the time of payment in each year. And where any sheriff shall discover any tithables not inlisted, such sheriff is hereby empowered and required to collect and levy the said duties respectively, upon the person so discovered, and account for, and pay the same, in like manner, as if such tithable had been inlisted. And that the sum of one shilling, or ten pounds of tobacco, at the option of the payer, for every hundred acres of land, and after that rate, for a greater or lesser quantity, shall be paid by the owner or proprietor thereof, on the said tenth day of April, in each of the said years, to the sheriff of the county, wherein such land shall lie, and to be collected by, and according to the rent-rolls delivered to the sheriffs respectively, for the collection of his majesty's quit-rents, in each of the said years. And from the proprietors of lands, in the Northern Neck or territories of the right honorable Thomas, Lord Fairfax, by, and according to the accounts by them delivered to the sheriffs, which they are hereby required to do, in each of the said years, in the manner, and at the time, directed and prescribed by one act of Assembly made in the twenty ninth year of the reign of his present majesty, intituled, An Act for raising the sum of forty thousand pounds for the protection of his majesty's subjects on the frontiers of this colony; and every person failing so to do, shall forfeit and pay the sum of ten pounds for every such failure, and the sheriffs of the several counties, within the said territory, are hereby required to collect the said land-tax from the said proprietors, according to the accounts so to be delivered to them respectively, and in case of failure in payment of the said land-tax or poll tax at the times before limited for the payment thereof respectively, it shall be lawful for the sheriff of each county in this colony, to levy the same by distress, and sale of the

slaves, goods and chattels, of the person so failing, in like manner, as is provided in case of other distresses; and where there are no effects to be found upon the lands hereby chargeable with the said land-tax, it shall be lawful for the sheriff of the county, where such lands lie, or the sheriff of the county, where the proprietor of the said land lives, to levy the said tax upon the estate of such proprietor, wherever the same can be found.

II. *Provided*, That nothing in this act contained, as to the payment of the said taxes, shall extend to the inhabitants residing on the waters of the Mississippi, and in the county of Hampshire, who are hereby exempted for themselves and other tithables on the said waters, and within the said county of Hampshire, from the payment of the said poll tax, and also from the payment of the said land-tax. Who ex-
empted.

III. *And be it further enacted, by the authority afore-* Taxes to be
accounted
for, on oath,
by the sher-
iff.
said, That the several sums of money to be collected, by virtue of this act, for the said land and poll tax, shall be by the sheriffs respectively, accounted for upon oath, and paid to the treasurer of this colony, for the time being, appointed by, or pursuant to an act of Assembly, on, or before, the tenth day of June next following the time herein before limited, for payment of the said taxes in each year, after deducting five per centum for each sheriff's salary in collecting the same, and be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary, in receiving and paying the same.

IV. *And be it further enacted, by the authority afore-* Sheriffs to
give bond,
&c.
said, That the sheriff of every county shall, on, or before, the first day of December, in each of the said years give bond and security before the court of the county, whereof he is sheriff, for the due collection and payment of the said duties, so to be collected by him the year ensuing. And if any sheriff shall die, or be removed from his office, after having given such bond, and before the collection is made, for which such bond was given, the succeeding sheriff shall, in like manner, give bond and security at the time he shall be sworn into his office, and shall collect, levy, and account for so much of the said taxes, as shall remain unpaid to the sheriff so dying, or being removed. And if any sheriff shall refuse, or fail to give security according to the direction of this act, the county-court is hereby

impowered and required to appoint some other person to collect the taxes imposed by this act, and directed to be levied by such sheriff, and the person so appointed, shall give bond and security in like manner, and shall have power and authority, and is hereby required to collect, levy, and account for the said taxes, in the same manner, as is directed in case of the sheriff; and if the sheriff or collector shall refuse or neglect to account for, and pay the said taxes, according to the directions of this act, after deducting the several sums chargeable to persons who have no visible estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector, and his security, for all the money wherewith he is chargeable by virtue of this act, and thereon to award execution, provided that such sheriff or collector have ten days previous notice of such motion.

Where the
sheriffs have
failed in their
duty.

V. And whereas many sheriffs of this colony have failed to give security according to the directions of former acts of Assembly, for collecting the taxes heretofore laid and assessed, but have notwithstanding received large sums of money and tobacco for such taxes, and have failed to pay the same to the treasurer, according to the directions of the said acts: *Be it further enacted, by the authority aforesaid, That if any such sheriff shall fail to account for, upon oath, and pay all such sums of money or tobacco as they shall have received for such taxes, to the treasurer of this colony, within two months after the passing of this act, such sheriff shall forfeit and pay the sum of five hundred pounds to our sovereign lord the king, to, and for the same uses as the taxes laid by this act are appropriated, and it shall and may be lawful for the general court, or the court of the county whereof he is sheriff, upon a motion to them made by the treasurer, to give judgment against such sheriff, for all the money or tobacco which he has received by virtue of the said acts, and also for the said sum of five hundred pounds, and thereon to award execution, provided that such sheriff have ten days previous notice of such motion.*

Indemnifica-
tion to per-
sons having
paid their,

VI. *And be it further enacted, That all persons who have duly paid their taxes to such sheriffs, not having given security, as aforesaid, shall not be obliged to*

pay the same again to the succeeding sheriff, provided they produce receipts to such sheriff of their having already paid the same. taxes to the sheriffs.

VII. *And be it further enacted*, That the sheriff of every county shall, at the time of his entering into his office, enter into bond with sufficient security, in the penalty of one thousand pounds, payable to his majesty, his heirs and successors, for the due collection and payment of the taxes already laid, and to be laid and assessed by this, or any other act of Assembly of this colony, besides the bond and security he is already by law obliged to give for the due performance of other parts of his office. Penalty of the additional bond to be given by the sheriffs.

VIII. *And be it further enacted, by the authority aforesaid*, That the penalties and forfeitures by this act inflicted, shall be to our sovereign lord the king, his heirs and successors, to, and for the same uses as the taxes imposed by this act are herein after appropriated, and shall and may be recovered with costs, by action of debt or information, in any court of record within this dominion. Appropriation.

IX. *And be it further enacted, by the authority aforesaid*, That John Robinson, Peyton Randolph, Charles Carter, esquires; Carter Burwell, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, Edmund Pendleton, and Robert Carter Nicholas, gentlemen; or any seven of them, shall from time to time, with the consent and approbation of the governor or commander in chief of this dominion, for the time being, direct and appoint how the said money shall be applied towards the raising, maintaining, arming, and providing for so many men to be raised for the better protection and defence of the frontiers, as they shall think necessary, so as the whole men so to be raised, including the men formerly directed to be raised, do not exceed fifteen hundred men, and that the said directors shall, as often as there shall be occasion of money for the uses aforesaid, apply themselves to the governor, or commander in chief, for the time being, to issue his warrant to the treasurer for paying so much money as shall be wanting for the purposes aforesaid, not exceeding the sum of twenty thousand pounds, who is hereby required to pay the same accordingly, and the said directors shall keep an account of their proceedings, Directors & their duty.

and of the several particular services for which they shall appoint the said money, to be laid out in pursuance of this act, and lay the same before the general Assembly when required.

The method
of drafting
the militia.

X. *And be it further enacted, by the authority aforesaid,* That within twenty days after the passing of this act, the county lieutenant, or chief commanding officer of the militia in every county, and of the city of Williamsburg, and borough of Norfolk, except of the county of Hampshire, is hereby impowered and required, to summon and hold a council of war, of the field officers and captains of the militia, of his county, city, or borough, at which council of war the several captains of the militia of such county, city, or borough, shall deliver in lists in writing of all the single men in their respective muster-rolls, and in their respective precincts, where the militia of any county have not been duly inlisted and inrolled, according to the militia laws now in force; which council of war shall enter the names of all the able-bodied single men upon a list, and shall immediately appoint a certain day, within ten days after the day on which they first met, in pursuance of this act, for the said able-bodied single men of such militia, to meet at the court-house of such county, city, or borough, of which day the said council of war shall cause public notice to be given, by putting up advertisements thereof at all places of public resort in such county, city, or borough: And the said county-lieutenant, and the field officers and captains of the militia of such county, city, or borough, shall also meet on the day appointed, as aforesaid, at the court-house of such county, city, or borough, and being there met, shall hold another council of war, and shall then inlist all such able-bodied men as will voluntarily enter into his majesty's service, but in case so many of them will not voluntarily inlist as will make one of every twenty of the militia, then they shall cause so many distinct blank pieces of paper to be prepared, as the number of the able-bodied single men of such militia may amount to, upon one of which pieces of paper for every twentieth man of which such militia shall consist (after first allowing for such as will voluntarily inlist in his majesty's service, and also for such of the said able-bodied single men who shall fail to appear according to the notice given by the said council war, who shall be first pricked down, and are hereby de-

clared to be soldiers duly inlisted in his majesty's service, unless they shall send to such council of war sufficient excuses for their non-attendance) shall be written the words following, to wit, "This obliges me immediately to enter his majesty's service," which distinct pieces of paper so prepared, and written upon as aforesaid, together with the rest of the said papers, (which will remain blank, after one for every twentieth man of such militia shall be written upon as aforesaid) in the presence of the said council of war, or the major part of them, shall be put into a box, made for that purpose, which box shall be placed upon a table in the court-house, before such council of war, and then the said council of war shall cause all the said able-bodied single men (not voluntarily inlisting as aforesaid) one after another, in the presence of such council of war, to draw forth one of the said pieces of paper, out of the said box (the same having been first well shaken and the papers therein mixed together) and immediately to hold up the same to public view; and the person, and persons, whose lot it shall be, to draw forth out of the said box, any of the said papers, so written upon as aforesaid, shall immediately thereupon be deemed and taken to be an inlisted soldier, and as such shall be entered upon a list to be prepared for that purpose, by any indifferent person, to be then appointed by such council of war, unless such person shall immediately pay down to the chief officer, present at such council of war, the sum of ten pounds (to be by such chief officer paid to any person, or persons, who shall enter into his majesty's service, in the room of such person who shall pay the same, and in case no person will accept of the same, upon those terms, then to be by such chief officer accounted for, and paid to the treasurer of this colony, and by him to be applied to the same uses as the taxes laid and imposed by this act, are directed to be applied) or shall immediately procure some other able-bodied person to serve as a soldier in his stead; and the person, or persons, who shall draw out of the said box, any of the said blank papers, shall be discharged from being drafted out of the militia of such county, city, or borough, to serve as a soldier, and such person and persons, so drafted and inlisted, in the manner aforesaid, and failing to pay down the said sum of ten pounds, or to procure some other able-bodied person to serve in his stead

shall be immediately delivered by such council of war, to the officer appointed by the governor or commander in chief, to attend the drafting of the militia in each county, city, or borough, respectively, and shall be by such officer received as soldiers inlisted in his majesty's service, and marched and conducted to such place or places, as the governor or commander in chief shall direct and appoint, and shall continue in his majesty's service until the first day of December next, and shall then be discharged from the said service if they shall require it.

Militia so drafted to be incorporated with the Virginia Regiment.

XI. *And be it further enacted, by the authority aforesaid,* That the soldiers so drafted and inlisted, in manner aforesaid, shall be incorporated with, and become soldiers of the Virginia regiment, and shall receive the same pay and rewards, and be entitled to the same immunities and privileges, and be subject to the same government and discipline, as the soldiers of the said regiment, now in the pay of this colony, do receive, and are entitled, and subject to.

Where any fails to appear at the council of war.

XII. *And be it further enacted,* That if any such able-bodied single man shall fail to appear at the council of war, directed to be held as aforesaid, on the day to be appointed and notified in manner aforesaid, without sending sufficient reasons to the said council of war for his non-attendance, as aforesaid, such person, and persons, shall thereupon be deemed soldiers duly inlisted in his majesty's service, as aforesaid, and as such shall be taken by the captain of the company to which he belongs, or of the precinct in which he lives, by warrant under the hand of the commanding officer present at such council of war, and shall be by the said captain delivered to any constable of such county, city, or borough, with his warrant to convey and deliver him, from constable to constable, to the officer to be appointed to receive the drafted militia, as aforesaid.

Penalty on the officer.

XIII. *And be it further enacted, by the authority aforesaid,* That if the county lieutenant or chief officer of the militia of any county, or of the said city or borough, shall fail to call a council of war, within twenty days after the passing of this act, and to proceed in the manner before directed for drafting the militia, he shall forfeit and pay the sum of five hundred pounds, and if any other of the said officers of the militia shall fail to attend such council of war, after be-

ing summoned thereto by their chief officer, as aforesaid, they shall respectively forfeit and pay the sum of one hundred pounds, and the other officers present at such council of war, shall certify to the next court to be held for such county, or for the said city or borough, the names of all such field officers and captains who shall fail to attend such council of war, which court shall thereupon order such officers to be summoned to appear at the next court to be held for such county, city, or borough, and unless they shall make out a sufficient excuse for their non-attendance at such council of war, they shall enter judgments against them respectively, for the fines aforesaid, and thereon award execution, which fines, when levied, shall be by the sheriff of such county, or the serjeant of the said city or borough, accounted for, and paid to the treasurer of this colony, and by him applied to the same uses, as the taxes by this act imposed, are directed to be applied.

XIV. And whereas it is expected, that many persons will, to avoid being drafted as soldiers, according to the intention of this act, enter themselves as overseers, by which means they may be deemed not a part of the militia: *Be it enacted, by the authority aforesaid,* That no person not having been bona fide an overseer, according to the description of the laws for the better regulation of the militia, on or before the twenty-fifth day of March last, shall be exempted from being drafted in the militia, pursuant to the intention of this act.

XV. *Provided always,* That nothing herein contained, shall extend or be construed to extend to empower the governor or commander in chief, or any other officer, to lead or march the soldiers hereby raised, or cause them to be led or marched out of this colony.

Militia so drafted not to be carried out of the colony.

XVI. *And be it further enacted,* That so much of the said act, intituled, An act for raising the sum of forty thousand pounds, for the protection of his majesty's subjects on the frontiers of this colony, as relates to the drafting the militia be, and the same is hereby repealed.

XVII. And whereas the frontiers of this colony are in a very defenceless situation, and openly exposed to the incursions and depredations of our cruel and savage enemies, who are daily destroying the lives and

A chain of forts to be erected.

G—Vol. 7.

estates of the inhabitants of that part of the colony, and it is necessary that forts should be erected in those parts, to put a stop to those violent outrages of the enemy, and to protect the inhabitants in their lives and properties: *Be it further enacted, by the authority aforesaid,* That a chain of forts shall be erected, to begin at Henry Enochs, on Great-Cape-Capon, in the county of Hampshire, and to extend to the South-Fork of Mayo-River, in the county of Halifax, to consist of such a number, and at such distance from each other, as shall be thought necessary and directed by the governor, or commander in chief of this colony, for the time being, who is hereby desired to appoint some proper person with such a number of the forces, in the pay of this colony, as he shall think necessary to erect and build such forts, and to issue his warrant to the treasurer for paying so much money as shall be thought necessary, for the purposes aforesaid, by the committee herein before nominated and appointed, not exceeding the sum of two thousand pounds, who is hereby directed to pay the same accordingly, and the governor or commander in chief, for the time being, is hereby also desired to appoint so many men, with such officers as he shall think proper to garrison such forts, when erected.

Treasury
notes to be
emitted.

XVIII. And whereas by reason of the long time allowed for collecting the duties imposed by this act (which from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended: *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for John Robinson, esquire, treasurer, or the treasurer of this colony for the time being, appointed by, or pursuant to, an act of Assembly, to issue or emit, at any time or times, before the twenty fifth day of March next ensuing, and not after, in such proportion as he shall find necessary, to answer the demands that shall be made upon him, for the purposes aforesaid, any number of treasury notes, so as the whole sum of such notes, so to be issued, shall not exceed the sum of twenty five thousand pounds, which notes shall be prepared, printed or engraved, and numbered in such form, and after such method, as he the said treasurer, for the time being, shall judge most convenient for

their circulating in payments and being safe from counterfeits and forgeries, and shall be signed by the said treasurer, and Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman, who shall be allowed fifty pounds for their trouble in doing the same, to be deducted out of the allowance to the treasurer for emitting the said notes, and the said treasurer shall be allowed two per cent. upon the amount of the notes so to be issued, for his trouble therein.

XIX. *And be it further enacted, by the authority* The time of
aforesaid, That all such notes, so to be issued, shall redemption.
 be redeemable on the last day of June one thousand seven hundred and sixty, and shall then be paid by the treasurer for the time being, with interest, after the rate of five per centum per annum, from the date thereof, and further, that all such notes, so to be issued, shall be received and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quit-rents, and the duties imposed by two acts of Assembly, the one intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French, and the other intituled, An act to explain an act, intituled, An act for raising the sum of twenty thousand pounds, for the protection of his majesty's subjects against the insults and encroachments of the French) from the time of issuing such notes, until the time before specified for the redemption thereof at the treasury, as aforesaid.

XX. *And be it further enacted, by the authority* Counterfeit-
aforesaid, That if any person, or persons, shall forge ing death.
 or counterfeit, alter or erase, any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person, or persons, so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

XXI. *And be it further enacted,* That the money to The duties
 be raised by the duties imposed by this act, shall stand, imposed by
 be, and remain as a security for the redemption of the this act to be
 said treasury notes, so to be issued, and the said John a security for
 Robinson, treasurer, or the treasurer for the time be- the redemp-
 tion. tion.
ing, appointed as aforesaid, is hereby required to ap-

ply all such money as shall come to his hands by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

XXII, And whereas divers companies of the militia of the several counties of Prince William, Fairfax, and Culpeper, were lately drawn out into actual service for the defence and protection of the frontiers of this colony, against the incursions and depredations of the French, and their Indian allies, whose names and the time they respectively continued in the said service, are contained in a certain schedule to this act annexed, and it is just and necessary that they should be paid for such their service, by the public, and also that the several sums of money in the said schedule charged for provisions, found for the use of the said militia, should be paid to the persons respectively entitled to the same, according to the said schedule; and for an encouragement to the militia of this colony to go out freely for the defence of their country in all times of danger, with a certain assurance of being paid for their services: *Be it further enacted, by the authority aforesaid,* That the treasurer of this colony do, within six months after the passing of this act, pay in treasury notes, to be emitted by virtue of this act, to the several officers and private soldiers, particularly named in the said schedule, the several sums of tobacco to which they are respectively entitled, at the rate of ten shillings per hundred, and also the several sums of money charged in the said schedule, for provisions found for the use of the said militia, to the persons thereby respectively entitled to the same, and also the several tobacco claims, for provisions found for the said militia, to be discharged at one penny per pound, any thing in the acts relating to invasions and insurrections to the contrary notwithstanding.

See also original
pp. 27, 31

CHAP. II.

An Act for amending the several acts, for making provision against invasions and insurrections, and for amending and explaining an act passed this present session of Assembly, intituled, An Act for raising the sum of twenty five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.

Officers im-
powered to
impress.

I. WHEREAS it is necessary that the act of Assembly made in the twenty-second year of his majesty's reign, intituled, An act for making provision against invasions and insurrections, should be further amended, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses of this present General Assembly, and it is hereby enacted, by the authority of the same,* That when any forces shall be raised out of the militia of this colony, according to the directions of the said act, or according to the act made in the twenty ninth year of his majesty's reign, intituled, An act, for amending an act, intituled, An act for making provisions against invasions and insurrections, it shall, and may be lawful for any commissioned officer, commanding any part of the same, by warrant, under the hand and seal of any county-lieutenant, colonel, lieutenant-colonel, or major, to impress and take up necessary provisions of, and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackle, furniture and apparel belonging thereunto, and also all manner of carts, waggon, draught-horses or oxen, or other conveniences for the land-carriage of provisions, great guns, arms and ammunition from place to place, and likewise any manner of utensils, tools or instruments, which shall, or may be wanted for digging or entrenching, or towards the mounting the great guns, and making them useful: And further, that it shall be lawful by warrant,

404. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Mar. 1756, pp. 26-33.

as aforesaid, to impress able and fit men to go in sloops or boats: And also any smith, wheel-wright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any other work whatever, where need shall be of such artificer.

II. *Provided always,* That it shall not be lawful to make use of any provisions, utensils, tools or instruments so impressed or taken up, until appraisment thereof hath been made in money, by two good and lawful men upon oath, one whereof to be chosen by the proprietor of such provisions, or other thing or things so impressed, and the other by the commanding officer present, which said officer is hereby impowered to administer such oath to the persons so appointed to appraise the same, nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisment made of the same, with the appurtenances belonging thereto, and also an estimate made by the same men of a suitable allowance in money, by the day for the use of such sloop, boat, cart, or waggon, with the draught-horses or oxen, and appurtenances thereto belonging, which every person so impressing, is hereby required to cause to be made, and to pay for the same as soon as he shall receive money sufficient for that purpose, upon pain of being liable to the action of the party grieved for an unlawful seizure.

Goods im-
pressed, to
be valued.

III. *And be it further enacted,* That there shall be raised and paid by the public to the officers and soldiers drawn out into actual service, by virtue of this, and the before recited acts, and to the look-outs after the rates following, *to wit,*

The pay of
the officers
and soldiers
drawn out in-
to actual ser-
vice.

To the County-Lieutenant, or commander in chief,
ten shillings per day.

HORSE.

A Colonel, ten shillings,
Lieutenant-Colonel, ten shillings,
Major, ten shillings,
Captain ten shillings,
Lieutenant, five shillings,
Cornet, four shillings,
Quarter-Master, two shillings,
Corporal, one shilling and four-pence,
Trumpeter, one shilling and four pence,
Trooper, one shilling and three-pence,

Per Day.

FOOT.

A Colonel, ten shillings,	} Per Day.
Lieutenant-Colonel. ten shillings,	
Major, ten shillings,	
Captain, ten shillings,	
Lieutenant, five shillings,	
Ensign, four shillings,	
Serjeant, one shilling and four-pence,	
Corporal, one shilling and four-pence,	
Drummer, one shilling and two-pence,	
Soldier, one shilling,	
A look-out, after the rate of twenty shillings per month.	

Pay of
smiths,
wheel-
wrights, car-
penters, and
other artifi-
cers.

IV. *And be it further enacted, by the authority aforesaid,* That every smith, wheel-wright, carpenter, or other artificer, and all watermen employed in the service, as by this and the said recited acts is directed, shall be paid, and allowed by the public, after the rates following, *to wit,*

Every Smith, five shillings,	} Per Day.
Wheel-wright, three shillings,	
Carpenter, three shillings,	
Waterman, one shilling and six-pence,	

And where any sloop, boat, waggon or cart, impressed and appraised according to the directions of this act, shall be damaged, or horse or ox hurt, the damage of the same shall be enquired into by two good and lawful men, on oath, to be appointed, as is before directed for appraising; or if the proprietor should refuse to appoint persons to appraise or value the goods so impressed, it shall, and may be lawful for the commanding officer, then present, to appoint both persons to make such enquiry, and to administer to them an oath for that purpose, and the difference between the appraisment and the valuation, when discharged, shall be paid by the public to the proprietor of such sloop, boat, waggon, cart, horse or ox.

New taxes
imposed.

V. And whereas it is necessary that a further sum of money should be raised for the payment of the militia drawn out into actual service, in pursuance of the several acts of Assembly concerning invasions and insurrections, *Be it further enacted, by the authority aforesaid,* That the sum of two shillings, or twenty

pounds of tobacco, at the option of the payer, shall be paid for every tithable person in this colony, to the sheriff of the county, where such tithable shall be inlisted by the person inlisting such tithables, on or before the tenth day of April, one thousand seven hundred and fifty-eight, and the like sum, on or before the tenth day of April, one thousand seven hundred and fifty-nine, and the like sum, on or before the tenth day of April, one thousand seven hundred and sixty, which duties shall be collected by the sheriffs, according to the lists of tithables taken and subsisting, at the time of payment, in each year respectively, and according to the rules and method, and under the like penalties and forfeitures, as are prescribed and directed for the collection of the taxes laid and imposed by an act of Assembly passed this present session, intituled, An act for raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.

VI. And be it further enacted, by the authority aforesaid, That the several sums of money and tobacco to be collected, by virtue of this act, for the said poll-tax, shall be, by the sheriffs respectively, accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by, or pursuant to an act of Assembly, on or before the tenth day of June next following the time herein before limited, for payment of the said duties in each year, after deducting five per centum for each sheriff's salary in collecting the same, and be accounted for by the treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same.

VII. And be it further enacted, by the authority aforesaid, That the governor, or commander in chief of this colony, for the time being, is hereby impowered and desired to issue his warrant to the treasurer, for paying so much money as shall be necessary for the purposes aforesaid, not exceeding the sum of thirty thousand pounds in the whole, to the county-lieutenant, or chief commanding officer of the militia of each county, that shall be drawn out into actual service, in pursuance of the aforementioned laws, concerning invasions and insurrections, which shall be applied by such county-lieutenant, or chief command-

To be paid to the treasurer.

Militia to be paid by the county-lieutenant, or chief commanding officer.

Who may
appoint a
clerk.

ing officer of such militia, towards paying the officers and private soldiers of such militia, for the time they shall respectively be employed in the service of their country, according to the respective rates and allowances above settled. And the said county-lieutenants, or chief commanding officers of such militia so drawn out as aforesaid, are hereby also impowered and required to appoint a clerk to keep a register of their proceedings, who shall be allowed the sum of five shillings for each day he shall be so employed, and also a surgeon to attend on the militia so drafted out, Who shall be allowed the sum of ten shillings per day: And the said county-lieutenants, or chief commanding officers of such militia, shall return an exact and true account, upon oath, to the treasurer of this colony, for the time being, appointed as aforesaid, of all the monies so by them received, in pursuance of this act, and in what manner they shall have laid out the same, and shall also repay to the said treasurer all such sums of money, as shall remain in their hands, after having performed the trust hereby reposed in them.

Commissa-
ries to be ap-
pointed.

VIII. And to the end that the militia, which shall be at any time drafted, pursuant to the acts hereby intended to be amended, may be well supplied with all necessary provisions, *Be it further enacted, by the authority aforesaid,* That it shall, and may be lawful, for the governor, or commander in chief of this colony, for the time being, to appoint a commissary, or commissaries for the purposes aforesaid, who are hereby required to use all possible dispatch in purchasing such provisions, as shall be necessary for the militia so drafted as aforesaid, and in laying of the same in such convenient place or places, that may best suit with the places destined for the marching and rendezvous of such militia. And it shall, and may be lawful, for the governor, or commander in chief as aforesaid, to issue his warrant to the treasurer of this colony, for paying to such commissary, or commissaries, so much money, as he shall judge necessary for purchasing such provisions as aforesaid; and the said treasurer is hereby directed and required to pay the same out of the money that shall be raised by virtue of this act; and every commissary so to be appointed, shall be allowed out of the said money, twenty shillings per day for his trouble, together with all reasonable expences attending the same.

IX. *And be it further enacted, by the authority aforesaid,* That every such commissary shall return an exact and true account, upon oath, to the treasurer of this colony as aforesaid, of the disbursement of all such sum and sums of money, that shall be paid by the treasurer to such commissary, in pursuance of this act. Commissaries duty.

X. *And be it further enacted, by the authority aforesaid,* That when the militia of any county shall be drawn out into actual service, by virtue of this act, and of the several acts concerning invasions and insurrections, every officer and soldier of such militia shall be exempted from all process in any cause or suit whatsoever (other than for some criminal matter) and his estate privileged from all executions, attachments and distresses whatsoever; and that if any suit shall be depending in any court whatsoever, in which any officer or soldier so drawn out as aforesaid, shall be a party, either plaintiff or defendant, the same shall be stayed, and no proceedings be had or taken therein, during the time such officer or soldier shall continue in such service. Militia drafted, exempted from arrests, &c.

XI. And whereas by the said act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, the county-lieutenant, or chief commanding officer of the militia of every county in this colony, is empowered and required, within twenty days after the passing of the said act, under the penalty of five hundred pounds, to call a council of war, and to cause to be draughted out of the militia of their respective counties, one man for every twentieth man, of which such militia shall consist, for immediate service. The militia of those counties now ordered out by the governor, not to be drafted according to a former act, till their return.

XII. And whereas the governor has thought proper to order out the militia of several counties, and may hereafter, within the time limited by the said act for draughting the militia as aforesaid, order out the militia of other counties, to repel the incursions of the enemy, and it is impracticable that the militia of such counties so ordered out, can be draughted according to the directions of the said act, *Be it further enacted, by the authority aforesaid,* That the county-lieutenant, or chief commanding officer of the militia of every county so ordered out, shall be exempt from the penalties and forfeitures in the said act inflicted, for failing to

perform the duty thereby required of them, but are hereby empowered and required, under the like forfeitures and penalties, to cause such militia, after their return from the service aforesaid, to be draughted according to the directions of the said recited act, any thing in the said act to the contrary notwithstanding.

Treasury
notes.

XIII. And whereas, by reason of the long time allowed for collecting the duties imposed by this act, (which, from the distressed circumstances of the people, and the great scarcity of gold and silver coin in this colony, could not be sooner done) the said duties will not be collected in time to answer the purposes hereby intended, *Be it therefore enacted*, That John Robinson, esquire, treasurer of this colony, or the treasurer for the time being appointed, as aforesaid, be, and he is hereby authorised, and required to issue and emit so many treasury notes, as will be sufficient for the purposes aforesaid, not exceeding thirty thousand pounds, which shall be prepared and signed in the same manner, and be under the same regulations, and of the same value, and redeemable at the same time, as the treasury notes directed to be emitted by the said above recited act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, are directed and appointed.

Duties imposed by this act to stand as a security for the redemption of the said notes.

XIV. *And be it further enacted, by the authority aforesaid*, That the money to be raised by the duties imposed by this act, shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued, and the said John Robinson, treasurer, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money, as shall come to his hands, by virtue of this act, for, and towards the redemption of such treasury notes, and to no other use or purpose whatsoever.

Repealing
clause:

XV. *And be it further enacted, by the authority aforesaid*, That so much of the said recited acts of Assembly, and of all other acts, as are contrary and repugnant to any thing within the purview of this act, shall be, and are hereby repealed: And that this act, as to so much thereof as relates to the paying of the officers and soldiers in money, shall continue, and be in force from, and after the passing thereof for, and during the term of one year, and no longer.

XVI. And whereas it is now judged necessary that ^{A fort to be erected in} a fort should be immediately erected in the town of Winchester, in the county of Frederick, for the protection of the adjacent inhabitants from the barbarities daily committed by the French and their Indian allies, *Be it enacted, by the authority aforesaid,* That the governor, or commander in chief of this colony for the time being, is hereby impowered, and desired to order a fort to be built with all possible dispatch in the aforesaid town of Winchester, and that his honor do give such orders and instructions for the immediate effecting and garrisoning the same, as he shall think necessary for the purposes aforesaid. And the governor, or commander in chief of this colony, is hereby also impowered, and desired to issue his warrant to the treasurer for the payment of so much money, as he shall think necessary for the purposes aforesaid, not exceeding the sum of one thousand pounds, who is hereby required to pay the same in treasury notes, to be emitted by virtue of the said act of Assembly, For raising the sum of twenty-five thousand pounds, for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned.

CHAP. III.

An Act for appointing a Treasurer.

I. WHEREAS by one act of Assembly, made in the twenty-fifth year of the reign of his present majesty, John Robinson, esquire, was appointed treasurer of the revenues arising from the duty upon liquors and slaves, laid and imposed by one act of Assembly, made in the nineteenth year of the reign of his present majesty, intituled, An act for reducing the laws made for laying a duty upon liquors into one act of Assembly, and by one other act made in the twenty-second year of his said majesty's reign, intituled, An act for continuing the act, intituled, An act for redu-

Preamble.

E—VOL. 7.

GEORGE II,

Regis Magnæ Britanniae, Franciæ, et
Hiberniæ, tricesimo.

At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the twenty-fifth day of March, in the twenty-ninth year of the reign of our sovereign Lord George II. by the grace of God, of Great Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord, 1756, and from thence continued by several prorogations to Thursday the fourteenth of April, in the thirtieth year of his majesty's reign, and in the year of our Lord one thousand seven hundred and fifty-seven; being the third session of this Assembly.

Robert Dinwiddie, esq.
governor.

CHAP. I.

An Act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned.

I. WHEREAS it is necessary, in this time of danger, that the forces now in the pay of this colony should be augmented, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the author-*

Method of
drafting.

405. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Mar. 25, 1756–Apr. 14, 1757, pp. 69–87.

ity of the same, That the forces now in this colony shall be augmented to one thousand two hundred and seventy, including non-commissioned officers: And for the more speedy raising the men that shall be wanted to complete that number, the sheriff of every county within this colony, and the serjeants of the city of Williamsburg and borough of Norfolk, shall cause to be summoned the several justices, and field-officers, and captains of their respective counties, city and borough, to meet at the court-houses of the said counties, city and borough, respectively, within fifteen days after the passing of this act; which said justices, field-officers, and captains, or any number of them not less than seven, shall then and there hold a court, and examine and enquire into the occupation and employment of the several inhabitants of the said counties, city and borough, between the age of eighteen and fifty years, which examination shall be taken by the several muster-rolls (which the county-lieutenant or chief commanding officer is hereby required to lay before such court) and by such other methods of enquiry as to the said court shall seem expedient: And the said courts are hereby impowered and required to prick down all such able-bodied persons, within their respective jurisdictions, as shall be found loitering and neglecting to labor for reasonable wages; all who run from their habitations, leaving wives or children without suitable means for their subsistence, and all other idle, vagrant, or dissolute persons, wandering abroad without betaking themselves to some lawful employment; and all such who, in pursuance of the act of Assembly, made in the twenty-ninth year of his present majesty's reign, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned, did receive the reward of ten pounds to enter into his majesty's service, and deserted the same before the expiration of the time directed by the said act. And in case a sufficient number of such persons, as are before described, cannot be found in any county, city or borough, to make up their respective quotas, according to the directions of this act, then the said courts are hereby impowered to prick down such able-bodied men, not being freeholders or house-keepers qualified to vote at an election of burgesses, as they shall think proper to

make up the same. And such courts, to be held as aforesaid, are hereby impowered and required to order the sheriffs of the said counties, and serjeants of the said city and borough, respectively, and such officers of the militia, not being members of the said courts, as they shall think proper, to bring before them the several persons so pricked down as aforesaid, at a succeeding court to be held as aforesaid, within ten days of the former; and such court shall then proceed to draft out such, and so many of them, as shall be deemed proper for the service aforesaid, in the following proportion, that is to say, one man for every forty effective soldiers in the militia of each county, city and borough. And where it shall so happen that the militia of any county, city or borough shall amount to any number, so as to leave or afford twenty men over and above the forties for which one man is to be drafted, then such court shall draft one more for the said twenty men as aforesaid.

II. *And be it further enacted, by the authority aforesaid,* That the several courts, to be held as aforesaid, before they proceed to prick down and draft the soldiers, as is before directed, shall take the following oath, which shall be first administred to the first justice in the commission of the peace, present at such court, by any two of the members then present, and then by the said justice to the other members of the court, that is to say:

The oath to be taken by the court.

You shall swear that you will do equal right and justice to all men, according to the act of Assembly, intituled, An act for granting an aid to his majesty for the better protection of this colony, and for other purposes therein mentioned, without favor, affection, or partiality, so help you God.

III. *And it is hereby further enacted,* That every such court shall appoint some person to act as clerk, who shall enter the proceedings of such court, and shall transmit the same to the clerk of the county, city or borough, to be by him recorded. And every justice, militia officer, sheriff, or serjeant that shall neglect or fail to do the duty by this act required of them respectively, shall forfeit and pay for every such failure or neglect the sum of twenty pounds, one moiety to our sovereign lord the king for the public use, and to be paid to John Robinson, esquire, treasurer of this colony, or to the treasurer for the time being, appointed

Court to appoint a clerk:

Penalty on court, &c.

by or pursuant to an act of Assembly, and disposed of as the General Assembly shall direct, and the other moiety to the informer, and shall and may be recovered with costs, by action of debt or information, in any court of record within this colony.

The reward to those who voluntarily inlist.

IV. And for the encouragement of persons who may be inclined to inlist voluntarily into the said service, *Be it further enacted, by the authority aforesaid,* That every able-bodied person, willing to inlist into such service, that shall appear before either of the said courts, hereby appointed to be held as aforesaid, and there inlist himself as a soldier, provided the same be done before the drafting as aforesaid shall be completed, shall be entitled to five pounds: And if any person present shall be willing to, and shall advance the said reward to the person so inlisting, the person paying the same shall, upon producing a receipt, be repaid the money so advanced, by the treasurer, out of the money herein after appropriated for raising and maintaining the forces hereby intended to be raised; and if no person present will advance the said reward, then the person so inlisting shall be paid the same within three days after his arrival at the place of general rendezvous, by the commanding officer of the forces in the service of this colony. And the court before whom such person shall inlist shall order the clerk to give such person a certificate of his inlisting, to entitle him to the reward aforesaid: And every person so inlisting shall be deemed and taken as one of the number herein before directed to be drafted for each county, city or borough.

Reward to those who are drafted.

V. And for the encouragement of persons, so as aforesaid pricked down, to appear at the second court to be held as aforesaid, *Be it further enacted,* That every person so pricked down, who shall appear at such second court, and be drafted into the service, shall be entitled to the sum of three pounds, to be paid in manner aforesaid.

Where the party is pricked down at the first court.

VI. *And be it further enacted, by the authority aforesaid,* That every person pricked down as aforesaid shall give to the sheriff, serjeant, or militia officer, appointed to bring such person before the succeeding court, sufficient security in the sum of fifty pounds for his appearance at such court, and in default thereof it shall and may be lawful for such sheriff, serjeant, or militia officer, to commit such person to the goal of the

county, city or borough, there to remain, until the said succeeding court: And if any such person shall resist such sheriff, serjeant, or officer, it shall and may be lawful for him immediately to raise any number of men sufficient to apprehend such person. And every person refusing to obey such sheriff, serjeant, or officer, for the purpose aforesaid, shall, upon conviction thereof, before the next court to be held for such county, city or borough (without the formality of a jury) be fined the sum of five pounds. And if any person pricked down as aforesaid, shall, in resisting the officer appointed to apprehend him, use any fire-arms, sword, or other unlawful weapon, such person, and their aiders and abettors, shall, upon conviction thereof, before the general court of this colony, suffer death as in cases of felony, without benefit of clergy. And every person or persons apprehending such offender shall, upon his conviction, be entitled to the reward of ten pounds, to be paid by the public, for every such offender. And if any person or persons shall harbour or conceal any of the persons pricked down as aforesaid, every such offender shall forfeit and pay the sum of five pounds to the use of the informer, and to be recovered as aforesaid.

Penalty on persons refusing to assist the officer.

Penalty resisting the officer.

Reward for apprehending.

Penalty harbouring persons pricked down.

VII. *And be it further enacted, by the authority aforesaid,* That the court, at the said succeeding court, shall order the men so inlisting or drafted as aforesaid, to be delivered to the county-lieutenant or chief commanding officer of every county, city, or borough, present at such court, who is hereby required to receive them, and to order any captain of his militia to take with him so many soldiers of the said militia as such commanding officer shall think proper, and convey and deliver the persons inlisted or drafted as aforesaid to the officer or officers appointed by the governor or commander in chief of this colony for the time being to receive them: And such captain shall be allowed all necessary expences for victualling and lodging himself, the soldiers attending him, and the persons inlisted or drafted as aforesaid, so as the same shall not exceed fifteen pence per day for every man during such march; and such captain and the soldiers attending him shall moreover be entitled to the same pay as if drawn into actual service upon an invasion or insurrection. And if any such county-lieutenant or chief

Method of conveying the men drafted to the officers appointed to receive them.

K—VOL. 7.

commanding officer of the militia shall refuse to receive the persons inlisted or drafted as aforesaid, or neglect or refuse to order a captain to convey and deliver them as aforesaid, such county-lieutenant or chief commanding officer shall forfeit and pay the sum of fifty pounds: And if any captain, or any of the men appointed to attend him as aforesaid, shall refuse to obey the orders of his or their county-lieutenant or chief commanding officer, for the conveyance and delivery of the said persons inlisted or drafted, every captain so offending shall forfeit and pay the sum of fifty pounds, and every soldier failing to attend shall forfeit and pay the sum of ten pounds, which several fines shall be one half to our sovereign lord the king for the public use, and to be paid and disposed of as aforesaid, and the other moiety to the informer, to be recovered with costs, by action of debt or information, in any court of record where the same shall be cognizable.

Where those pricked down at the first court fail to appear at the second.

VIII. *And be it further enacted, by the authority aforesaid,* That if notwithstanding the encouragement given, and the methods herein before prescribed, for the bringing the persons pricked down at the first court to the second court, it shall so happen that all the persons so pricked down shall not appear at such second court, in order to their being drafted, the said court shall proceed to draft out of those that shall appear. And every person, not appearing as aforesaid, shall be deemed a deserter from his majesty's service, and be punished accordingly.

Where the number of men pricked down fall short:

IX. *And be it further enacted,* That if the method prescribed by this act shall be found ineffectual for raising the number of men hereby intended to be raised, it shall and may be lawful to and for the officers appointed for that purpose by the governor or commander in chief to inlist so many men, willing to enter into the said service, as shall be sufficient to compleat that number; and every person so inlisting shall receive from the officer inlisting him the sum of five pounds; and every such officer shall be allowed, over and above such rewards paid by him, all his necessary expences in the inlisting such persons and conveying them to the place of general rendezvous.

How the men are to be formed.

X. *And be it further enacted, by the authority aforesaid,* That the said one thousand two hundred and seventy-two men shall be formed into twelve companies.

under the command of a colonel, lieutenant-colonel, major, nine captains, twenty-four lieutenants, and twelve ensigns; and there shall be allowed to the said forces a chaplain, a paymaster, three surgeons and one surgeon's mate, an adjutant, and a quarter-master.

XI. *And be it further enacted*, That two of the said companies of the men now in the pay of this colony, with one of the surgeons shall be sent to the assistance of South-Carolina; and one other company of the men so to be raised, with one other of the said surgeons, to garison the fort lately built at the expence of this colony in the Cherokee country, and seven companies shall be and remain for the defence and protection of this colony, and two other companies, to consist of the men that shall be raised by virtue of this act after the other ten companies shall be completed, shall also be sent to the assistance of South-Carolina, if it shall be thought necessary by the commanding officer of his majesty's forces in North-America. The forces how to be disposed.

XII. *And be it further enacted, by the authority aforesaid*, That so much money as shall be necessary for defraying the charge of raising, maintaining, paying, clothing, and other expences of the said officers and men, shall be paid by the treasurer of this colony for the time being, appointed as aforesaid, out of the public money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant under the hand of the governor or commander in chief of this colony for the time being, so that the sums so to be paid do not exceed in the whole the sum of thirty-six thousand pounds, to be accounted for to the General Assembly.

XIII. And whereas it will be very troublesome to the governor, or commander in chief, to examine and settle the accounts of the several charges and expences of the said officers and men, *Be it therefore enacted, by the authority aforesaid*, That William Prentis, James Cocke and Thomas Everard, gentlemen, shall be, and they are hereby appointed commissioners to examine, state and settle such accounts relating to the expences of the said officers and men, as shall from time to time be referred to them by the governor or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of seventy-five pounds. Commissioners appointed.

Three companies of rangers to be raised for the protection of the south-western frontiers.

XIV. *And be it further enacted, by the authority aforesaid,* That the said treasurer shall, out of the money to be raised by virtue of this act, pay to the honorable Robert Dinwiddie, esquire, lieutenant-governor and commander in chief of this dominion, or to the commander in chief for the time being, a sum of money not exceeding six thousand pounds, to be laid out for, and in the raising and maintaining, three companies consisting of one hundred men each, with their officers, to be employed as rangers for the protection of the subjects on the south-western frontiers of this colony, as the governor or commander in chief shall direct from time to time, and shall not be sent out of this colony, or incorporated with the soldiers now in his majesty's service; and the money so received shall be accounted for to the General Assembly.

Committee.

XV. And whereas there are large arrears due to the present officers and soldiers now in the pay of this colony, to the rangers formerly employed, and for the expences of building a fort in the Cherokee country, and to the militia that have been drawn out into actual service, and also for provisions for the said soldiers, rangers and militia, *Be it further enacted, by the authority aforesaid,* That so much money as shall be necessary to discharge the same, not exceeding twenty-five thousand pounds, shall be by the said treasurer paid to such person or persons as shall be from time to time directed by John Robinson, Peyton Randolph and Charles Carter, esquires, Benjamin Waller, John Chiswell, Richard Bland, James Power, William Digges, Dudley Digges, John Page, John Norton, William Harwood, George Wythe, Landon Carter, Edmund Pendleton, and Robert Carter Nicholas, gentlemen, or any five of them, with the consent and approbation of the governor or commander in chief of this dominion, for the time being.

A sum given for defraying the charges of the Indians.

XVI. And whereas several Indians have already come to the assistance of this colony, and more may come, *Be it further enacted, by the authority aforesaid,* That for defraying the charges of such Indians there shall be paid by the said treasurer, out of the money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant under the hand of the governor or commander in chief of this dominion for the time being, a sum not exceeding three thousand pounds.

XVII. And for the raising the several sums of money hereby given and granted, *Be it enacted, by the authority aforesaid*, That a duty of two shillings for every hogshead of tobacco passed and delivered out at and from the several warehouses in this colony, between the twentieth day of October next, and the twentieth day of October in the year one thousand seven hundred and sixty-four, shall be paid by the owner or proprietor thereof, which said duty the several inspectors at the said warehouses shall, and they are hereby impowered and required, to collect and receive, without fee or reward, of and from the said owners and proprietors before they deliver such tobacco out of their respective warehouses, and shall be by them accounted for upon oath, and paid to John Robinson, esquire, treasurer of this colony, or to the treasurer for the time being, appointed by or pursuant to an act of Assembly, and shall be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same. Duty on tobacco.

XVII. *And be it further enacted, by the authority aforesaid*, That a tax or duty of two shillings shall be paid for every tithable person in this colony to the sheriff of the county where such person shall be inlisted by the person inlisting such tithable, on or before the tenth day of April one thousand seven hundred and sixty-one, and the further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-two, and that a further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-three, and that a further tax or duty of two shillings for every such tithable person shall be paid in like manner on or before the tenth day of April one thousand seven hundred and sixty-four, which taxes shall be collected by the sheriffs according to the lists of tithables taken and subsisting at the time of payment in each year; and where the sheriff shall discover any tithables not inlisted, such sheriff is hereby impowered and required to collect and levy the said taxes respectively upon the person so discovered, and shall account for and pay the same in like manner as if such tithable had been inlisted; and that a tax of one shil- Tax on tithables.

Tax on land.

ling for every hundred acres of land, and after that rate for a greater or lesser quantity, shall be paid by the owner or proprietor thereof on or before the said tenth day of April in each of the said years, one thousand seven hundred and sixty-one and the three next following, to the sheriff of the county wherein such land shall lie, and to be collected by and according to the rent-rolls delivered to the sheriffs respectively for the collection of his majesty's quit-rents in each of the said years.

How the
land tax to
be collected
in the nor-
thern-neck.

XVIII. And for enabling the sheriffs to collect the said land-tax from the proprietors of lands within the territory of the right honorable Thomas, lord Fairfax, *Be it further enacted*, That every such proprietor shall, on or before the first day of January immediately preceding the time of payment in each of the said years, deliver to the clerk of the county where he or she shall reside, or the lands lie, a just and true account of the quantity of land by him or her held within the said territory, according to the quantity for which they have usually held the same; and every person failing so to do, shall forfeit and pay the sum of ten pounds for every such failure, to our sovereign lord the king, to the same use as the taxes hereby laid are appropriated, and to be recovered with costs in any court of record within this dominion. And such clerk shall, within three months thereafter, transmit a true copy of such lists to the treasurer of this colony for the time being, and shall also deliver another copy of such lists to the sheriff of the county, or other person appointed to collect the said land-tax, within one month after he shall receive the same, who is hereby required to collect the said land-tax, from the said proprietors, according to the accounts so delivered respectively. And every clerk failing to do his duty herein, shall, for every failure, forfeit and pay the sum of five hundred pounds, one half to our lord the king, for the public use, to be paid and disposed of as before directed, and the other moiety to the informer, to be recovered as before directed. And where the sheriff or collector shall discover that any persons hold lands within his county, of which no account is rendered as aforesaid, such sheriff or collector is hereby required to collect and levy the said tax, and account for and pay the same in the same manner as if an account of the said land had been rendered as aforesaid.

And in case of failure in the payment of the said land-tax or poll-tax, at the times herein before limited for the payment thereof respectively, it shall and may be lawful for the sheriff or collector of each county to levy the same by distress and sale of the slaves, goods, and chattels of the person so failing, in like manner as is provided in case of other distresses: And where there are no effects to be found upon the lands hereby chargeable with the said land-tax, it shall be lawful for the sheriff of the county where such lands lie, or the sheriff of the county where the proprietor of the land lives, to levy the said tax upon the estate of such proprietor wherever the same can be found.

XIX. *And be it further enacted,* That the several sums of money to be collected in pursuance of this act, for the said land-tax and poll-tax, shall be by the sheriffs, respectively accounted for, upon oath, and paid to John Robinson, esquire, treasurer of this colony, or the treasurer for the time being, appointed by or pursuant to an act of Assembly, on or before the tenth day of June next following the time herein before limited for the payment of the said taxes in each year, after deducting five per centum for each sheriff's salary in collecting the same, to be accounted for by the said treasurer to the General Assembly, after deducting two per centum for his salary in receiving and paying the same. Taxes to be paid to the treasurer.

XX. *And be it further enacted, by the authority aforesaid,* That the sheriff of every county shall, on or before the first day of December, one thousand seven hundred and sixty, give bond and security before the court of the county whereof he is sheriff, for the due collection and payment of the said taxes so to be collected by him the year ensuing; and every sheriff shall, in like manner, on or before the said first day of December, in each of the three following years, give bond and security for the collection and payment of the taxes by this act required to be collected and paid in the year next following the time of giving such bonds, respectively; and if any sheriff shall die or be removed from his office after having given such bond, and before the collection is made for which such bond is given, the succeeding sheriff shall, in like manner, give bond and security at the time he shall be sworn into his office, and shall collect, levy and account for so much of the said taxes as shall remain unpaid to the Sheriffs to give bond.

sheriff so dying or being removed. And if any sheriff shall fail or refuse to give security for collecting the taxes imposed by this or any former act of Assembly, according to the directions of such act, every such sheriff shall forfeit and pay the sum of one hundred pounds, and the justices of the court where such neglect or refusal shall happen, shall, and they are hereby required to order the person appointed to prosecute for the king in such court, to exhibit an information in the name of our sovereign lord the king against such sheriff for the recovery of the same, which, when recovered, shall be paid to the treasurer aforesaid, and applied to the same uses as the taxes hereby imposed are directed to be applied.

Proviso
where sher-
iffs cannot
procure se-
curity.

XXI. *Provided always*, That if such sheriff shall, in open court, on his corporeal oath, depose that he hath used his best endeavours to procure such security and cannot get the same, then he shall not be liable to such penalty: And upon such refusal or failure the county court is hereby empowered and required to appoint some other person to collect the taxes by this act directed to be levied by such sheriff, and the person so appointed shall give bond and security, in like manner, and shall have power and authority, and is hereby required to collect, levy, and account for the said taxes in the same manner as is directed in the case of the sheriff; and if no other person will undertake such collection, such court shall certify the refusal or inability of the sheriff to the governor or commander in chief for the time being, who, upon such certificate being produced to him, is hereby empowered and desired to appoint some other fit and able person to be sheriff of such county in the room of the sheriff so refusing or disabled, as aforesaid, which person, so appointed, shall, at the next court to be held for his county, after the date of his commission, give bond and security for the due collection and payment of the taxes laid by this and former acts, and shall account for and pay the same in like manner as is directed in this or such former acts, respectively, and shall be subject to the same penalty for refusing or neglecting to give security, recoverable in the same manner as is herein before directed: And if any sheriff or collector shall refuse or neglect to account for and pay the said taxes, according to the directions of this act, after deducting the several sums chargeable to persons who have no visible

estate in his county, it shall and may be lawful for the general court, or the court of the county whereof he is sheriff or collector, upon a motion to them made by the treasurer, to give judgment against such sheriff or collector and his security, his or their executors or administrators, for all the money wherewith he shall be chargeable by virtue of this act, and thereon to award execution, provided that such sheriff or collector, and their securities, have ten days previous notice of such motion.

XXII. *And be it further enacted, by the authority aforesaid,* That from and after the ninth day of July, one thousand seven hundred and fifty-eight, during the term of seven years, there shall be paid for all slaves imported into this colony, for sale, either by land or water, from any port or place whatsoever, by the buyer or purchaser thereof, after the rate of ten per centum on the amount of each respective purchase, over and above the several duties already laid upon slaves imported, as aforesaid, by any act or acts of Assembly now subsisting in this colony, which said additional duty shall be paid, collected and accounted for in such manner and form, and according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the duties already imposed upon slaves imported by the several acts of Assembly now in force.

An additional duty on slaves imported.

XXIII. And whereas by reason of the great scarcity of gold and silver in this colony, the taxes imposed by this act cannot be collected in time to answer the purposes hereby intended, *Be it enacted, by the authority aforesaid.* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes so to be issued shall not exceed the sum of eighty thousand pounds.

Treasury notes to be emitted.

XXIV. And whereas the allowing treasury notes to bear interest is found to be very burthensome to the country, and not to have answered the good purposes intended by former acts of Assembly, and it will be prejudicial to have notes of different value circulating at the same time: *Be it therefore enacted, by the author-*

Old notes to be called in.

L—VOL. 7.

ity aforesaid, That the treasurer of this colony for the time being, appointed as aforesaid, shall, as soon as the same can be conveniently done, after the first day of December next ensuing, take in all such treasury notes as have been emitted pursuant to an act of Assembly made in the twenty-ninth year of his present majesty's reign, intituled, An act for raising the sum of forty thousand pounds for the protection of his majesty's subjects on the frontiers of this colony: Also one other act passed at the first session of this present General Assembly, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned: And one other act passed at the last mentioned session, intituled, An act for amending the several acts for making provision against invasions and insurrections, and for amending and explaining an act passed this present session of Assembly, intituled, An act for raising the sum of twenty-five thousand pounds for the better protection of the inhabitants on the frontiers of this colony, and for other purposes therein mentioned: And the said treasurer shall pay unto the proprietor or proprietors of such treasury notes, respectively, the sum for which the same were issued, with interest thereon after the rate of five per centum per annum, from the date thereof to the said first day of December next ensuing.

The form,
denomina-
tion, and
signers, of
the notes.

XXV. *And be it further enacted*, That it shall and may be lawful for the said treasurer or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the former notes so to be taken in, which several notes to be issued in pursuance of this act shall be prepared, printed and engraved, in such form and after such method as the said treasurer shall judge will be most safe from counterfeits and forgeries. And six thousand of the said notes shall be of the value or denomination of ten pounds, and shall be signed by Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of five pounds, and shall be signed by the said Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Ran-

dolph, esquire, and Robert Carter Nicholas, gentleman: Six thousand of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph, esquire, and Robert Carter Nicholas, gentleman: Thirty thousand of the said notes of the value or denomination of twenty shillings, and shall be signed by Benjamin Waller and Philip Johnson, gentlemen: Thirty thousand of the said notes of the value or denomination of ten shillings, and shall be signed by the said Benjamin Waller and Philip Johnson. Thirty thousand of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire: Thirty thousand of the said notes of the value or denomination of two shillings and six-pence, and shall be signed by the said John Randolph, esquire. Thirty-three thousand of the said notes of the value or denomination of one shilling and three pence, and shall be signed by Edmund Pendleton, gentleman: Thirty three thousand of the said notes of the value or denomination of one shilling, and shall be signed by the said Edmund Pendleton, gentleman.

XXVI. *And be it further enacted, by the authority aforesaid,* That in case of the death or absence of any of them the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, or Edmund Pendleton, before all the treasury notes shall be signed which are herein required to be signed by such person, in that case it shall and may be lawful for the said John Robinson or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named, and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.

Where any of the signers die or are absent.

XXVII. *And be it further enacted,* That John Palmer, William Waters, and George Davenport, gentlemen, shall, and they are hereby appointed to overlook the press during the time of printing the notes to be issued pursuant to this act, who shall use the best of their care, attention, and diligence that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor

Persons appointed to number the notes, and overlook the press.

Their allowance.

any fraudulent practice used by the printer, his servants, or any person concerned therein, and shall number and deliver such notes, when printed, to the persons appointed to sign the same respectively, taking his or their receipt for the same, from time to time; and that each of them shall have for their trouble therein the sum of fifty pounds, to be paid them by the treasurer for the time being: And the persons so appointed to sign the said notes shall deliver them, when signed, to the treasurer for the time being, appointed as aforesaid, and take his receipt for the same; and each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid; and the said treasurer shall be allowed one per centum upon all the said notes by him paid away, as his salary for paying the same, and taking in the old notes as aforesaid.

The old notes to cease being current after the first of December next.

XXVIII. *And be it further enacted, by the authority aforesaid,* That all the treasury notes which have been emitted pursuant to the herein before recited acts of Assembly shall, from and after the said first day of December next, cease to be current in this colony, and shall from thenceforth become null, void and of no effect. And that Peyton Randolph, esquire, Benjamin Waller, Robert Carter Nicholas, Dudley Digges, and Philip Johnson, gentlemen, or any three of them be, and they are hereby appointed a committee to examine all such old notes as shall be taken in by the said treasurer pursuant to this act, who having duly examined the same shall cause them to be burnt and destroyed in their presence, and shall give the treasurer a certificate of the whole amount of such notes, with the interest thereon, which certificate shall be to all intents and purposes as good and effectual in the settlement of his accounts, as if he produced such notes: And the said committee, shall in like manner, from time to time, examine all such notes to be issued in pursuance of this act, as the treasurer for the time being shall be willing to deliver up, and upon receipt thereof to give him a certificate for the amount of such notes, which shall avail the said treasurer in the settlement of his accounts as effectually as if he produced notes for the same; and the said committee are hereby required, as soon as they have given such certificate, to cause such notes to be burnt and destroyed.

XXIX. *And be it further enacted,* That all notes so to be issued in pursuance of this act shall be redcema-
 ble on the first day of March, one thousand seven hun-
 dred and sixty five, and shall then be paid by the trea-
 surer for the time being. And further, that all such
 notes shall be received and pass as a lawful tender in
 payment of any debt, duty, or demand whatsoever
 (except for the payment of his majesty's quit-rents)
 from the time of issuing such notes until the time be-
 fore specified for the redemption thereof at the trea-
 sury, as aforesaid. And if any person or persons,
 within this colony, shall, during the time the said trea-
 sury notes are to remain current, as aforesaid, offer
 to sell or expose to sale any goods or chattels, lands
 or tenements whatsoever, and shall deny or refuse to
 sell the same, or demand a greater price unless he be
 paid for the same in gold or silver coin, and not in the
 said notes; or if any person or persons shall exchange
 gold or silver coin for the said bills, and demand or
 take any allowance for the difference of the value there-
 of, or shall offer to buy or sell bills of exchange at a
 greater or higher difference of exchange for the said
 treasury bills than for gold or silver coin, or shall use
 any other device, means, or method whatsoever, where-
 by the credit of the said notes may be impaired. every
 person so offending shall forfeit and pay after the rate
 of twenty per centum upon the value of the goods or
 chattels, lands or tenements, so offered or exposed to
 sale, or of the money so exchanged, or of the bills of
 exchange, so bought or sold, to be recovered by the
 informer, to his own use, before any justice of the
 peace, where the penalty does not amount to more than
 twenty-five shillings, and where it shall exceed that
 sum the said penalty shall be one half to our lord the
 king, for the public use, and to be paid to the treasu-
 rer aforesaid, or the treasurer for the time being, ap-
 pointed as aforesaid, and disposed of as the General
 Assembly shall direct, and the other half to the in-
 former, and shall and may be recovered, with costs,
 by action of debt or information, in any court of re-
 cord within this colony.

The time of
redemption
of the new
notes, and
their credit.

Penalty for
depreciating
notes.

XXX. *And be it further enacted, by the authority*
aforesaid, That if any person or persons shall forge
 or counterfeit, alter or erase any such treasury note,
 or shall tender in payment, by way of barter or other-
 wise, to any person whatsoever, or shall demand a re-

Death to
counterfeit,
&c. them.

demption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

The security
for their re-
demption.

XXXI. *And be it further enacted*, That the money to be raised by the duties and taxes, imposed by this act and the herein before recited acts, shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued; and the said John Robinson, or the treasurer for the time being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this and the said recited acts, for, and towards the redemption of the said treasury notes, and to no other use, intent, or purpose whatsoever.

Method of
collecting
the land-tax
in the Nor-
thern neck.

XXXII. And whereas the method of collecting the land-tax, imposed by the said recited acts, from the proprietors of land within the territory of lord Fairfax, hath been found ineffectual, *Be it further enacted*, That so much of the said recited acts as directs the said proprietors to render an account of the quantity of lands by them respectively held to the sheriff of their county annually, be, and the same is hereby repealed: And that for the future every such proprietor shall, at the times, and under the penalty by the said acts respectively appointed for that purpose, deliver such account of the quantity of land by him held, according to the quantity for which he has annually held the same, to the clerk of his county court who shall transmit a copy thereof to the treasurer, and deliver another copy to the sheriff or collector, in manner, and under the penalty herein before directed for the collection of the land-tax hereby imposed; and the sheriff or collector shall collect, levy, and account for the said taxes according to the accounts so delivered to him, and the directions and regulations in the said recited acts mentioned; and where the sheriff or collector shall discover that any person holds lands within the said territory of which no account is rendered, as aforesaid, such sheriff or collector is hereby required to collect and levy the land-tax, imposed by the said former acts, from such proprietor, and account for and pay the same in the same manner as if an account of the said land had been rendered, as aforesaid.

XXXIII. *And be it further enacted, by the authority* ^{Treasurer to} *aforsaid, That John Robinson, esquire, treasurer of* ^{give further} *this colony, shall give such further security as shall* ^{security.} *be approved by the governor or commander in chief of this colony, in the sum of eighty thousand pounds, for the due answering and paying all the money by him received, from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation; or disability, the treasurer to be appointed in his stead, shall, in like manner, give such further security before he enters into his said office.*

CHAP. II.

An Act for preventing Mutiny and Desertion.

I. WHEREAS it is judged necessary in this time ^{Preamble.} of open war, that a number of forces should be raised and kept on foot, for vindicating the honor of his majesty's crown, and for the safety and defence of this dominion, amounting to fifteen hundred and seventy two men, including three companies of rangers, to consist of one hundred men each. And whereas no man can be forejudged of life, or limb, or subject to any kind of punishment by martial law, or in any other manner, than by the judgment of his peers, and according to the known and established laws of this colony: Yet nevertheless it being requisite for the retaining such forces in their duty, that an exact discipline be observed, and that the soldiers who shall mutiny or stir up sedition, or shall desert his majesty's service be brought to a more exemplary and speedy punishment, than the usual forms of the law will allow.

II. *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the* ^{The punish-} *same, That from and after the passing of this act, if* ^{ment.} *any person being mustered, or in pay as an officer, or who is or shall be inlisted or in pay as a soldier or*

CHAP. III.

See also original
pp. 94, 95

An Act for the better regulating and disciplining the Militia.

I. WHEREAS it is necessary, in this time of danger, that the militia of this colony should be well regulated and disciplined, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act every county-lieutenant, colonel, lieutenant-colonel, and other inferior officer, bearing any commission in the militia of this colony, shall be an inhabitant of, and resident in the county of which he is or shall be commissioned to be an officer of the militia.

All officers
of the militia
to be resi-
dent in the
county.

II. *And be it further enacted, by the authority aforesaid,* That the lieutenant, or in his absence the chief officer of the militia, in every county, except the county of Hampshire, shall list all male persons above the age of eighteen years, and under the age of sixty years, within this colony (imported servants excepted) under the command of such captain as he shall think fit, within one month after the passing of this act.

All above
and under 18
60 to be
listed.

III. *Provided always,* That nothing herein contained shall be construed to compel any person hereafter mentioned to muster, that is to say, such as are members of the council, speaker of the house of burgesses, receiver-general, auditor, secretary, attorney-general, clerk of the council, clerk of the secretary's office, ministers of the church of England, the president, masters or professors, and students of William and Mary college, the mayor, recorder, and aldermen of the city of Williamsburg, and borough of Norfolk, the keeper of the public goal, any person being bona fide an overseer over four servants or slaves, being tithables, and actually residing on the plantation where they work, and receiving a share of the crop or wages for his care and pains in looking after such servants and slaves; any miller having the charge and keeping of any mill, and founders, keepers, or other persons employed in or about any copper, iron, or lead mine, who are all hereby exempted from being

Persons ex-
empted.

406. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Mar. 25, 1756—Apr. 14, 1757, pp. 93–106.*

inlisted or any wise concerned in the militia during the time they shall continue in such station or capacity.

The accom-
trements.

IV. *And be it further enacted, by the authority aforesaid,* That every person so as aforesaid inlisted (except free mulattoes, negroes, and Indians) shall be armed in the manner following, that is to say: Every soldier shall be furnished with a firelock well fixed, a bayonet fitted to the same, a double cartouch-box, and three charges of powder, and constantly appear with the same at the time and place appointed for muster and exercise, and shall also keep at his place of abode one pound of powder and four pounds of ball, and bring the same with him into the field when he shall be required: And if it shall be certified to the court of any county, by order of the court-martial, that any soldier inlisted in such company is so poor as not to be able to purchase the arms aforesaid, then such court shall, and they are hereby required, immediately to depute some person to send for the same to Great-Britain by the first opportunity, and to levy the charge thereof in the next county levy; which arms so to be sent for shall be marked with the name of the county; and if any person shall presume to buy or sell any such arms, so provided as aforesaid, then, and in such case, every person so buying or selling shall forfeit and pay the sum of six pounds, to be recovered, with costs, by information, before the court of the county to which the arms shall belong, or in the court of the county wherein the offender or offenders shall reside, one moiety whereof shall be to and for the use of the county to which the arms shall belong for the purchasing other arms, and the other moiety to the informer: And all arms purchased by any county and delivered to any poor soldier, as aforesaid, shall, on his death or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain of the company to which such poor soldier did belong, to be by such officer delivered to any other poor soldier that the commanding officer of the said county shall adjudge unable to provide himself with arms, as aforesaid.

Persons ex-
empted to
find arms,
&c. for the
use of the
militia.

V. *And be it further enacted, by the authority aforesaid,* That the several persons herein before exempt-
ed from mustering (except ministers of the church of England, the president masters or professors, and

students of William and Mary college, the keeper of the public goal, overseers and millers, and all workers in any mine whatsoever) shall provide arms for the use of the county, city, or borough wherein they shall respectively reside, in the following manner, that is to say: Each counsellor, not being an officer of the militia, four compleat sets of arms, as is herein before directed for a soldier; the speaker of the house of burgesses, not being an officer of the militia, four compleat sets as before; the receiver-general, auditor, and secretary, not being a counsellor or officer of the militia, each four compleat sets, as before; the attorney-general, not being an officer of the militia, two compleat sets as before; the clerk of the council and clerk of the secretary's office, not being officers of the militia, each two compleat sets, as before; the mayor, recorder, and aldermen of the city of Williamsburg and borough of Norfolk, not before by this act obliged, and not being officers of the militia, each two compleat sets, as before. And if they shall fail or refuse so to do, within twelve months after the passing of this act, then it shall and may be lawful for the several courts of the counties wherein the persons before mentioned shall reside, and they are hereby impowered and required to levy the value of the same on each of them respectively.

VI. *Provided always*, That nothing herein contained shall be construed to oblige any of the persons, exempted from mustering, as aforesaid, who have already provided arms for the use of the county, city, or borough wherein they respectively reside, according to the directions of the act made in the twenty ninth year of his present majesty's reign, intituled, An act for the better regulating and training the militia, to provide any other arms for the use aforesaid.

Not to extend to them who have already found arms.

VII. *And be it further enacted, by the authority aforesaid*, That all such free mulattoes, negroes, and Indians as are or shall be inlisted, as aforesaid, shall appear without arms, and may be employed as drummers, trumpeters, or pioneers, or in such other servile labor as they shall be directed to perform.

Free negroes, &c. to be employed in any servile labour.

VIII. And for the better training and exercising the militia, and rendering them more serviceable, *Be it further enacted, by the authority aforesaid*, That every captain shall, once in three months, and oftner if thereto required by the lieutenant or chief command-

General and private musters.

Misbehaviour at courts martial how punishable.

ing officer in the county, muster, train, and exercise his company, and the lieutenant or other chief commanding officer in the county shall cause a general muster and exercise of all the companies within his county, to be made in the months of March or April, and September or October, yearly; and if any soldier shall, at any general or private muster, refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at the courts martial to be held in pursuance of this act, as is herein after directed, it shall and may be lawful to and for the chief commanding officer, then present, to cause such offender to be tied neck and heels, for any time not exceeding five minutes, or inflict such corporal punishment as he shall think fit, not exceeding twenty lashes.

Captains to keep proper lists of delinquents.

IX. And every captain, or in his absence the lieutenant, shall duly make a list of all the persons upon his muster-roll who shall be summoned and do not appear at any of the said musters, armed, and with powder and ball as by this act is directed. and return the same, with the names of all officers who shall be absent, to the next court martial; and every captain shall have power to appoint a clerk to his company, who shall be sworn by such captain well and truly to execute his said office, and such clerk shall keep the muster-roll and attend all musters with the same, and shall be exempted from mustering, but shall appear with arms, and powder, and ball, as is before directed at all such musters: And further, it shall and may be lawful for the lieutenant or other chief officer of the militia in the county, to order all soldiers inlisted therein to go armed to their respective parish churches.

Court martial.

X. *And be it further enacted, by the authority aforesaid,* That it shall and may be lawful for the field officers and captains of every county, or the major part of them, whereof the county-lieutenant, colonel, lieutenant-colonel, or major, shall be one, and they are hereby required to meet at the court house of their counties respectively, the day next following the general muster in September or October every year, if fair, if not, the next fair day, then and there to hold a court martial, which court shall have power to adjourn from day to day, and to enquire of the age and abilities of all persons inlisted, and to exempt such as they shall adjudge incapable of service, and of all delin-

quents returned by the captains for absence from musters or appearing without arms, powder, or ball; and where any person is returned a delinquent to a court-martial and shall not be able, by reason of sickness or other real disability, to attend such court to give in his reasonable excuse for such his delinquency, it shall and may be lawful for the succeeding court-martial to be held for such county, city or borough, wherein such person shall be returned a delinquent, upon such reasonable excuse then offered, to remit such fine or fines levied by the preceeding court-martial on such person; and such court shall and may, and they are hereby empowered to administer an oath or oaths to any person or persons for their better information in the premisses, and to order the fines inflicted by this act, not otherwise directed, to be levied upon all delinquents who shall not make out some just excuse, for not performing their duty, and to order and dispose of all such fines for buying drums and trophies for the use of the militia of the county, and for supplying the militia of the said county with arms: And the said courts shall have full power, and are hereby required to keep a register of all their proceedings, and for that purpose to appoint a clerk, and to administer an oath to such clerk well and faithfully to execute his office, and to allow him such salary for his service, out of the said fines, as they in their discretion shall think reasonable; and after the holding of every such court the clerk shall make out copies of all their orders and deliver the same, within one month next following the said court, to the sheriff of the county, who is hereby required to demand and receive the money therein charged of the person made chargeable therewith, and in case of non-payment, on or before the tenth day of April then next following: to levy the same by distress and sale of the goods of the person refusing, according to the directions of the laws now in force enabling the sale of goods distrained for rent; and where any delinquent shall remove out of the county before he hath paid and satisfied all fines laid on him in pursuance of this act and shall not leave sufficient effects in the county to satisfy the same, then the said clerk shall send copies of the said courts orders against such delinquents to the sheriff of the county into which he or they shall be removed, and such sheriff is hereby im-

N—VOL. 7

powered and required to collect, levy and account for the same in the manner herein before directed.

Penalties.

XI. *And be it further enacted, by the authority aforesaid,* That the several persons herein after mentioned failing to do their duty in the manner by this act directed shall forfeit and pay the several sums following respectively, that is to say: The lieutenant of any county or the chief commanding officer there failing to appoint a general muster in the months of March or April, and another in the months of September or October, in every year, not having a reasonable excuse, shall for every such failure forfeit and pay the sum of twenty pounds; every county lieutenant, colonel, lieutenant-colonel, and major failing to appear at every such general muster, or at the court-martial shall forfeit and pay ten pounds for every such failure; every captain who shall fail to muster and exercise his company four times a year, or oftener if thereto required, shall forfeit and pay forty shillings for every time he shall so fail to muster and exercise, and every captain failing to appear at every general muster and court-martial shall forfeit and pay five pounds for every such failure; every lieutenant who shall fail to appear at any muster shall forfeit and pay twenty shillings for every such failure; and every ensign ten shillings for every such failure; and every captain, or in his absence the lieutenant, failing to return a list of the persons who shall not appear at musters, or shall appear without arms, powder and ball, shall forfeit and pay ten pounds for every such failure; every clerk failing to appear with arms, powder and ball, as is before directed, shall pay ten shillings for every such failure; every soldier refusing to serve as a serjeant, corporal or drummer, being thereto required by his captain, shall pay five shillings for every muster he shall so refuse; and every soldier appearing at muster without a firelock well fixed, and a bayonet fitted to the same, shall pay three shillings for every such failure, and for appearing at muster without a double cartouch-box shall pay one shilling, and without three charges of powder shall pay two shillings for every such failure. and every soldier failing to appear at muster shall forfeit and pay ten shillings for every such failure. *Provided,* That no person be fined above six times in the year for any particular default. Every soldier ordered to go armed to church neglecting so to do shall

pay five shillings for every such failure; and every clerk of a court-martial failing to deliver the orders of the court-martial to the sheriff or sheriffs within the time before limited shall forfeit and pay fifty pounds.

XII. *And be it further enacted, by the authority aforesaid,* That every officer of the militia within this colony shall at all times that he acts on duty at any private or general muster, appear well armed, in the following manner, that is to say: Every county lieutenant, colonel, lieutenant-colonel, major with a sword; and every captain and lieutenant with a firelock and a sword, and every ensign with a cutting-sword; every corporal and serjeant with a cutting-sword and halbert, under the penalty of ten shillings for every time that every such officer shall appear without such arms; all which fines shall be levied by the court-martial directed to be held by this act in such county, city or borough wherein such officers shall act as an officer, and be appropriated to the same uses as is before directed for the appropriation of the fines levied on the soldiers of the militia appearing unarmed.

Officers accounted against them.

XIII. *Provided nevertheless,* That every such officer shall have twelve months allowed him, after his promotion to such office, for the furnishing the arms as aforesaid, but in the mean time shall appear with such of the said arms as he already hath: And the same fines and penalties shall be paid by the officers and soldiers of the militia in the city of Williamsburg and borough of Norfolk, in case of their failing or refusing to do and perform the several services, and to appear armed and with powder, in the same manner as is by this act required of the officers and soldiers of the militia of the several counties.

Twelve months allowed to provide them.

XIV. *Provided also, and it is hereby enacted,* That twelve months shall be given and allowed to each soldier, not already enlisted, to furnish and provide himself with arms and ammunition according to the directions of this act, and that no soldier be fined for appearing without or not having the same at his place of abode until he hath been enlisted twelve months as aforesaid, so as such soldier do appear at all musters during the said twelve months with such arms as he hath and is already furnished with: And if any soldier shall appear at any muster not armed, and with ammunition according to the directions of this act, it shall and may be lawful for the captain of the compa-

The same time allowed the soldiers.

ny to which such soldier shall belong to examine such soldier, upon oath, whether he hath any, and what arms and ammunition he really hath of his own property, and if on such examination it shall appear that such soldier hath any arms or ammunition of his own property, and hath not brought the same, or so much thereof as this act requires, to such muster, he shall be liable to the penalties inflicted by this act altho' he hath not been enlisted twelve months; and where any person enlisted, pursuant to this act, in any county, shall remove to another county, the time for furnishing himself with arms and ammunition shall commence from the time of his being first enlisted in the county from whence he removed.

Arms to be
free from ex-
ecutions, &c.

XV. And for an encouragement to every soldier to provide and furnish himself according to the directions of this act, and his security to keep his arms and ammunition when provided, *Be it further enacted, by the authority aforesaid,* That the arms and ammunition provided and kept in pursuance of this act be free and exempted at all times from being impressed upon any account whatsoever, and likewise from being seized or taken by any manner of distress, attachment, or writ of execution, and that every distress, seizure or execution made or served upon any of the premisses be unlawful and void, and that the officer or person who presumes to make or serve the same be liable to the suit of the party grieved, wherein double damages shall be given upon a recovery; and every person going to, attending at, and returning from muster shall be privileged and exempted from arrests, and from being served with any other process in any civil action or suit.

Persons go-
ing to, or co-
ming from
musters, ex-
empted from
arrests.

Miller.

XVI. *And be it further enacted, by the authority aforesaid,* That if any exempted overseer or miller shall presume to appear at any muster, or in any muster-field whatsoever on the day on which such muster shall be appointed, the party so offending shall, for every such offence, forfeit and pay twenty shillings, to be assessed upon him by the next court-martial, upon a certificate of the offence to them made by the captain or chief officer present at such muster, or the information, on oath, of any person whatsoever, and levied, accounted for, and appropriated in the same manner as the other fines ordered by the court-martial; and that the fines and penalties incurred by infants and

Infants.

servants for the breach or neglect of their duty in any particular service by this act required of them, shall be paid by the parent, guardian, or master, respectively; and if the breach or neglect of such servants is not occasioned by their masters influence or direction, then the fines incurred by them and so paid by the master, shall be repaid to the master by the further service of such servant, after the time they are bound to serve is expired, which shall be determined by the county court, or the court of Hustings in the city of Williamsburg or borough of Norfolk, wherein either of the parties reside, upon complaint made to them thereof by such master. Servants.

XVII. *And be it further enacted, by the authority aforesaid,* That if any sheriff shall refuse to receive the orders of any court martial offered to him, by virtue of this act, or to collect and levy the fines herein mentioned, such sheriff upon a motion and complaint thereof made to the county court or general court, shall be fined for every such refusal, one hundred pounds, to be appropriated in the same manner as the other fines last mentioned: And if any sheriff shall take upon him such collection, or receiving the said orders shall fail to account for and pay what he shall have received by virtue thereof to the receiver, to be appointed for that purpose by the court martial, deducting six per cent. only for his commission in collecting and receiving, upon a motion or complaint made against him by the said receiver or the commanding officer of the militia, to the county court or general court, such court shall give judgment and award execution against him, his executors or administrators, for the same. *Provided,* That such sheriff, his executors or administrators, have ten days previous notice of such motion. And if any receiver heretofore appointed or hereafter to be appointed, hath failed or shall fail to account with the court martial when required, or to apply the money by him received or to be received, as he hath been or shall be directed by the court martial, that then upon a motion or complaint made to the county court or court of hustings, in the city of Williamsburg or borough of Norfolk, respectively, by any officer of the militia against such receiver, such court shall give judgment and award execution against him, his executors or administrators for the same, and cause the money to be appropriated to the uses directed by the court martial. Penalty on sheriffs failing to collect.

Provided, That such receiver, his executors or administrators, have ten day previous notice of such motion. And if any sheriff hath heretofore failed to account for and pay all militia fines collected by him, upon a motion or complaint made by the receiver or commanding officer of the militia of the county whereof he is or hath been sheriff to the general or county court, such court shall give judgment and award execution against him, his executors or administrators for the same. *Provided*, Notice be given to such sheriff, his executors or administrators, as aforesaid.

Officers to
take the
oaths of go-
vernment.

XVIII. *And be it further enacted, by the authority aforesaid*, That every commission officer in the militia, shall, before he acts under or executes any such commission in the court of his county, take the oaths appointed by law to be taken, instead of the oaths of allegiance and supremacy, the abjuration oath, and subscribe the same with the test; and that every county lieutenant, colonel, lieutenant-colonel, major, and captain, at the time of holding every court martial, before they hold the same, shall take the following oath, which shall be first taken by the presiding officer then present, and then be by him administered to the rest of the officers, to wit,

Oath at court
martial.

I A. B. do swear, that I will do equal right and justice to all men according to the act of Assembly, for the better regulating and disciplining the militia.

And every person accepting a commission in the militia, who shall neglect or refuse to qualify himself to act under the same, by taking and subscribing the oaths and test before mentioned, within three months after receiving his commission, every such person shall forfeit and pay the sum of five pounds.

Appropriation of fines of county-lieutenants not appointing general musters.

XIX. *And be it further enacted*, That the fine by this act imposed on the lieutenant or chief commanding officer of the militia for neglecting to order general musters, shall be one moiety to the informer and the other to and for the use of the county for providing arms, and shall and may be recovered with costs, by action of debt or information, in any court of record.

Penalties on officers not attending court martial or general muster, how recovered.

XX. *And be it further enacted*, That if there be no court martial held the penalties herein before inflicted on officers not attending such court martial or the general muster, shall be recovered against the officers failing to attend or appear, and collected in the same manner, as is herein before directed for recovering

and collecting the fines and penalties laid on officers failing to appoint general musters.

XXI. *And be it further enacted, by the authority* ^{Adjutant.} *aforsaid,* That every adjutant for the time being, with one servant and their horses, shall be exempt from the payment of ferriages, at all public and other ferries within this colony, and that the respective ferry keepers shall give them and their servants and horses immediate passage at all such ferries, as in the case of public expresses, any law or custom to the contrary notwithstanding.

XXII. *And be it further enacted, by the authority* ^{Repealing} *aforsaid,* That all and every other act and acts, and ^{clause.} every clause and article therein contained for the settlement and regulation of the militia, or any other matter or thing within the purview of this act, shall be and is hereby repealed and made void to all intents and purposes whatsoever.

XXIII. *Provided nevertheless, and be it enacted, by* ^{Proviso.} *the authority aforsaid,* That nothing herein contained shall be construed so as to discharge or excuse the militia established by the act of Assembly made in the twenty-ninth year of his present majesty's reign, intituled, An act for the better regulating and training the militia, from conforming to the several rules and performing the several duties in the said act directed; but that the said militia shall continue on such establishment until they are inlisted according to the directions of this act, and that the several penalties incurred by any offender or delinquent in the before recited act shall be enquired into, and the fines thereupon arising assessed by the court martial appointed to be held in pursuance of this act, and that all such fines shall be levied on such offenders or delinquents, and appropriated and accounted for in the same manner as is herein before directed for any other fines or penalties, and that the several county courts shall have full power and authority to levy in their respective county levies the charges and expences for all such arms as have been by them purchased or sent for to Great-Britain, by the directions of the before recited act.

XXIV. *Provided always,* That nothing in this act ^{How far this} contained shall extend or be construed to extend to the ^{act does not} inhabitants of the city of Williamsburg or borough of ^{extend to} Norfolk, so as to oblige them to muster or serve in the ^{Williams-} militia out of the said city or borough, but that such ^{burg and} inhabitants shall be inlisted and trained in manner as ^{Norfolk.}

is directed by the acts of Assembly made in the ninth and twelfth years of the reign of his late majesty king George the first, intituled, An act for enlarging the jurisdiction of the court of hustings in the city of Williamsburg within the limits thereof: And an act to prevent the inhabitants of the borough of Norfolk from being compelled to serve in the militia of the county of Norfolk, and to exempt sailors or seamen in actual pay on board any ship or vessel from serving in the militia, any thing in this act to the contrary notwithstanding. And whereas the method by the said recited acts prescribed for fining delinquents in the militia of the said city or borough hath been found inconvenient, for remedy whereof,

To hold a
court martial
in Williams-
burg and
Norfolk.

XXV. *Be it further enacted, by the authority aforesaid,* That from and after the passing of this act, the colonel, major, and captains of the militia of the said city of Williamsburg and borough of Norfolk, or the major part of them, whereof the colonel or major shall be one, shall, and they are hereby impowered and required to hold a court martial at the court houses of the said city and borough respectively, in the same manner and for the same purposes as the courts martial are by this act directed and appointed to be held in the counties, any thing in the said recited acts to the contrary notwithstanding.

Officers of
the militia of
any other
place not to
be inlisted in
Williams-
burg or Nor-
folk.

XXVI. *And be it further enacted,* That the colonel or chief commanding officer of the said city or borough, shall not by virtue of the two last recited acts be suffered to inlist in the militia of the said city or borough any persons that are officers of the militia in the counties wherein such city or borough shall lie.

Patrollers.

XXVII. And for establishing a better method of appointing patrollers, and for declaring their duty therein, *Be it enacted, by the authority aforesaid,* That it shall and may be lawful for the chief officer of the militia in every county, and he is hereby required some time before the tenth day of June yearly, to appoint an officer and so many men of the militia, as to him shall appear to be necessary, not exceeding four, once in every month or oftner if thereto required by such chief officer, to patrol and visit all negroe quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons as aforesaid, unlawfully assembled, or any other strolling about from one plantation to another without a pass from his or her master, mistress, or overseer,

and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes, not exceeding twenty, on his or her bare back well laid on; and in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol the officer of each party shall return to the captain of the company whereunto he belongs, a report in writing upon oath (which oath such captain is hereby impowered to administer, of the names of those of his party who were upon duty, and of the proceedings in such patrol, and each captain shall once in every month deliver such patrol returns to the county lieutenant, or other chief commanding officer in his county, by whom they shall be certified and delivered to the next court martial, and if they shall adjudge the patrollers have performed their duty according to law, the chief officer shall certify the same to the county court, who upon such certificate are hereby impowered and required at the laying of their county levy to allow to, and levy for every one of the patrollers ten pounds of tobacco for every day or night they shall so patrol; and moreover such patrollers shall be exempt from the payment of public, county, and parish levies, for their own persons for those years in which they shall be employed in that service.

XXVIII. *And be it further enacted; by the authority* Penalties. *aforesaid,* That if the chief officer of the militia in any county, shall fail to appoint patrollers according to the directions of this act such officer shall forfeit and pay the sum of five pounds, and every person appointed to patrol in pursuance of this act failing to do his duty therein shall pay the sum of five shillings, for every such failure, which fines shall be laid by the court martial of the county, and shall be collected, levied, accounted for, and appropriated as is herein before directed, for the collecting, levying, accounting for, and appropriating the several fines and penalties herein before laid; and in like manner the chief officer of the militia in the aforesaid city of Williamsburg and borough of Norfolk, shall appoint all the persons of their militia to patrol within the said city and borough, or within half a mile of the limits thereof by turns, in such numbers and at such times as they shall think

O—Vol. 7.

necessary, which officers and patrollers shall be subject to the same fines and penalties, and to be recovered and appropriated in the same manner as is herein before directed in the case of patrollers in the counties.

This act may
be given in
evidence.

XXIX. *And be it further enacted, by the authority aforesaid,* That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to and for every person and persons against whom such action or suit shall be brought to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit or discontinue his suit, then the defendant shall recover treble costs.

Continu-
ance.

XXX. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force from and after the passing thereof, for and during the term of three years.

CHAP. IV.

An Act for reducing the several acts for making provision against invasions and insurrections into one act.

Governor
may order
out the mili-
tia.

I. WHEREAS it is necessary that the several acts of Assembly relating to invasions and insurrections should be reduced into one act, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That upon any invasion of any enemy, by sea or land, or upon any insurrection, the governor or commander in chief for the time being shall have full power and authority to levy, raise, arm and muster such a number of forces out of the militia of this colony as shall be thought needful for repelling the invasion, or suppressing the insur-

necessary, which officers and patrollers shall be subject to the same fines and penalties, and to be recovered and appropriated in the same manner as is herein before directed in the case of patrollers in the counties.

This act may be given in evidence.

XXIX. *And be it further enacted, by the authority aforesaid,* That if any action shall hereafter be brought in any court of this colony, against any person or persons appointed to patrol pursuant to this act, for any matter or thing done by him or them in the execution of their duty as patrollers, it shall and may be lawful to and for every person and persons against whom such action or suit shall be brought to plead the general issue, and give the special matter in evidence on the trial, and if any judgment shall be given for the defendant, or if the plaintiff shall become nonsuit or discontinue his suit, then the defendant shall recover treble costs.

Continuance.

XXX. *And be it further enacted, by the authority aforesaid,* That this act shall commence and be in force from and after the passing thereof, for and during the term of three years.

See also original
pp. 107 and 111

CHAP. IV.

An Act for reducing the several acts for making provision against invasions and insurrections into one act.

Governor may order out the militia.

I. WHEREAS it is necessary that the several acts of Assembly relating to invasions and insurrections should be reduced into one act, *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That upon any invasion of any enemy, by sea or land, or upon any insurrection, the governor or commander in chief for the time being shall have full power and authority to levy, raise, arm and muster such a number of forces out of the militia of this colony as shall be thought needful for repelling the invasion, or suppressing the insur-

407. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Mar. 25, 1756—Apr. 14, 1757, pp. 106–116.*

rection or other danger; and the same to lead, conduct, march, transport and employ, or by his lieutenants, commanders, or other officers by him commissioned, to cause to be led, conducted, marched, transported and employed, as well within the several counties and places to which they belong as into any other counties and places within this dominion, for the suppressing and repelling of all such invasions and insurrections, and such forces again to discharge and disband as the cause of danger ceases.

II. *And be it further enacted, by the authority afore-* Officers duty.
said, That every officer of the militia, to whom notice shall be given of any invasion or insurrection, shall raise the militia under his command, and send intelligence to the county lieutenant, or in his absence to the chief commanding officer in the county, and shall moreover immediately proceed to oppose the enemy according to the orders he shall receive from his chief commanding officer until further orders arrive from the governor or commander in chief of this dominion for the time being, and such county-lieutenant or chief commanding officer shall give immediate notice to the officers of the militia of the next adjacent counties of such invasion or insurrection, and the situation and circumstances of the enemy according to the best of his information and judgment; and such officer to whom such notice shall be given, if not the chief commanding officer of the county, shall give immediate notice to his commanding officer of the information that he shall receive, who shall immediately raise the militia of his county and march part thereof, not exceeding two-thirds, against such enemy, if the circumstances of the case shall require it, which shall be enquired into by a council of his field-officers and captains, or the major part of them, which council every such commanding officer is hereby impowered and required forthwith to summon and hold; and such commanding officer shall cause the remaining part of his militia, not so marched, to remain in arms in the county for the defence and protection thereof, until he shall receive orders from the governor or commander in chief as aforesaid: And every county lieutenant or chief commanding officer in any county to whom such intelligence shall be given of any invasion or insurrection, shall forthwith dispatch an express to the governor or commander in chief as aforesaid, notifying the

danger, and shall therewith signify in the best manner he can the strength and motions of the enemy, and for that purpose such county lieutenant or chief commanding officer shall have full power to impress boats and hands, men and horses, as the service may require, for the dispatch of such intelligence.

Penalty on officers refusing to raise the militia.

III. *And be it further enacted, by the authority aforesaid,* That any officer receiving information of any invasion or insurrection from any officer of an adjacent county in the manner herein before expressed, that shall refuse to raise his militia, and call a council of his field officers and captains, for the determination of what is necessary to be done on such information, shall forfeit and pay the sum of two hundred pounds, and every officer summoned to such council as aforesaid, that shall refuse to attend the same, shall forfeit and pay the sum of fifty pounds.

Penalty on officers and soldiers failing to do their duty.

IV. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia who upon occasion of any invasion or insurrection, shall receive any orders or informations from the governor or commander in chief for the time being, or from any other his superior officer, either for calling together the soldiers or marching them to any particular place, shall neglect or refuse to execute such orders or instructions in the best manner he is capable, every such officer so neglecting or refusing, shall respectively forfeit and pay the sums following, that is to say, every lieutenant of a county the sum of two hundred pounds; every colonel the sum of two hundred pounds; every lieutenant-colonel the sum of two hundred pounds; every major the sum of one hundred pounds; every captain the sum of seventy five pounds; every lieutenant the sum of fifty pounds; every ensign the sum of twenty five pounds; every serjeant or corporal twenty pounds; and every soldier who shall be summoned to appear upon any such occasion and shall fail so to do, or shall fail to bring with him his arms, with one pound of powder and four pounds of ball, or shall refuse to march, shall forfeit and pay the sum of twenty pounds: And if any officer or soldier during the time the militia shall be employed for suppressing any invasion or insurrection under this act, shall desert the said service or raise any mutiny or sedition in the company to which he belongs, or any other company in the said service, or coming to the knowledge of any such mutiny or in-

tended mutiny, shall not give information thereof to his commanding officer and use his utmost endeavour to suppress the same, shall suffer such corporal punishment as shall be inflicted on him by a court martial, to consist of the field officers and captains then present not extending to life or member. And every person holding correspondence with, or giving intelligence to the enemy, during the time such militia is employed for suppressing such invasion or insurrection, shall suffer death as in cases of felony without benefit of clergy, upon being thereof lawfully convicted before the general court of this colony.

V. *And be it further enacted, by the authority aforesaid,* That in all trials of offenders by any court martial to be held by virtue of this act, every officer present at such trial before any proceedings be had thereupon, shall take the following oath (which the presiding officer then present shall first take himself, and then administer to the others) that is to say,

Court martial to take an oath.

I A. B. do swear, that I will well and truly try and determine according to the evidence in the matter now before me, between our sovereign lord the king and the prisoner to be tried, and that I will duly administer justice according to the act of Assembly, intituled, An act for reducing the several acts for making provision against invasions and insurrections into one act, without partiality, favor, or affection, and that I will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law.

The oath.

So help me God.

And that such court martial shall have power to appoint a clerk to keep a register of their proceeding, to whom the president of the court shall administer the following oath, to wit,

You shall swear, that you will not upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness by a court of justice in due course of law.

Clerk's oath.

So help you God.

VI. *And be it further enacted, by the authority aforesaid,* That if any inferior officer or soldier during the time the militia shall be employed for suppressing any

Penalty on misbehavior.

invasion or insurrection, as aforesaid, shall disobey the lawful commands of his superior officer, or behave himself refractorily, every officer so offending shall pay such fine, not exceeding fifty pounds; and every soldier so offending shall pay such fine, not exceeding five pounds, as by a court martial to be held as aforesaid, shall be imposed; and if any soldier shall fail or refuse to pay down such fine immediately to his commanding officer, or give sufficient security to pay the same within three months, then such soldier shall receive thirty-nine lashes on his bare back well laid on; and if any inferior officer or soldier during the time the militia shall be employed as aforesaid, shall be guilty of prophane swearing, drunkenness, or any other the like offence, every person so offending shall upon conviction thereof before a court martial to be held as aforesaid, pay five shillings for every offence, so that the same at any one time doth not exceed twenty shillings; and if any soldier shall fail to pay the same, or give security as aforesaid, he shall for every of the said offences receive five lashes on his bare back well laid on, so that the same at any one time doth not exceed twenty lashes. And no person shall be subject to a second trial for the same offence, after he hath been once condemned or acquitted thereof.

This given in evidence on general issue.

VII. *And be it further enacted, by the authority aforesaid,* That if any officer shall be sued for any thing by him done in pursuance of this act, it shall and may be lawful for such officer to plead the general issue, and to give the special matter and this act in evidence.

Where officers deliver up their commissions.

VIII. *And be it further enacted, by the authority aforesaid,* That if any officer of the militia shall upon receiving the orders of the governor or commander in chief or any his superior officer, for raising and marching the militia according to this act, deliver up his commission thereby intending to avoid the force of this act, and the punishment for disobeying such orders, every such officer so offending, shall be liable to the same penalty as by this act is inflicted for disobeying or neglecting such orders, and shall be immediately enlisted as a common soldier by the next officer acting in command.

Where officers may impress.

IX. *And be it further enacted, by the authority aforesaid,* That when any forces shall be raised out of the militia of this colony according to the directions of this act, it shall and may be lawful for any commis-

sioned officer commanding any part of the same by warrant under the hand and seal of any county lieutenant, colonel, lieutenant-colonel, or major, to impress and take up at the public charge necessary provisions of and from any person or persons, and to impress and take up sloops and boats necessary for the transportation of forces over rivers and creeks, or the main bay of Chesapeak, together with the rigging, tackle, furniture and apparel belonging therunto; and also all manner of carts, waggons, draught horses or oxen, or other conveniences for the land carriage of provisions, great guns, arms and ammunition, from place to place, and likewise any manner of utensils, tools or instruments, which shall or may be wanted for digging or entrenching, or towards mounting the great guns, and making them useful; and further, that it shall and may be lawful by warrant as aforesaid, to impress able and fit men to go in sloops or boats, and also any smith, wheelwright, carpenter, or other artificer whatsoever, which shall be thought useful for the fixing of arms, making carriages for great guns, or doing any other work whatsoever, where need shall be of such artificers.

X. *Provided always*, That it shall not be lawful to make use of any provisions, utensils, tools or instruments, so impressed or taken up, until appraisement thereof hath been made in money by two good and lawful men upon oath, one whereof to be chosen by the proprietor of such provisions, or other thing or things so impressed, and the other by the commanding officer present, which said officer is hereby empowered to administer such oath to the persons so appointed to appraise the same; nor of any sloop, boat, cart, waggon, horses or oxen, until such appraisement made of the same with the appurtenances belonging therunto; and also an estimate made by the same men of a suitable allowance in money by the day for the use of such sloop, boat, cart or waggon, with the draught horses or oxen, and appurtenances thereto belonging, which every person so impressing is hereby required to cause to be made, and to give a receipt to the owner of every particular by him impressed and taken up, and a certificate how and by whom the same was appraised and estimated, and for what use and service impressed, upon pain of being liable to the penalty of twenty shil-

Where there must be an appraise-ment.

lings, and moreover to the action of the party grieved for unlawful seizure.

Look-outs.

XI. And for the better discovery of the approach of enemies by sea, *It is hereby further enacted*, That in each of the counties of Elizabeth-City, Princess-Anne, Accomac, and Northampton, at such times and places as the governor or commander in chief of this dominion shall think fit, to direct any number of men, not exceeding six, be appointed by the chief officer of the militia in each of the said counties respectively; which men shall keep a constant look-out to seaward by night and by day, and diligently observe the courses and motion of all such ships or vessels, as they or either of them shall discover upon the coast, and if upon such observation, such person shall suspect the said ships or vessels to belong to an enemy, he shall immediately give notice thereof to the next field officer in his county, who is thereupon to transmit an account thereof to the governor or commander in chief, and to the county lieutenant or chief commanding officer of the militia in the said county.

The pay of officers and men.

XII. *And be it further enacted, by the authority aforesaid*, That there shall be raised and paid by the public to the officers and soldiers drawn out into actual service by virtue of this act, and to the look-outs after the rates following; to wit, to the county lieutenant or commander in chief ten shillings per day; a colonel, lieutenant colonel each ten shillings per day; major eight shillings per day; captain six shillings per day; lieutenant three shillings per day; ensign two shillings per day, serjeant and corporal each one shilling and four-pence per day; drummer one shilling and two-pence per day; soldier one shilling per day; and to a look-out after the rate of thirty shillings per month.

Of wheelwrights and other artificers.

XIII. *And be it further enacted, by the authority aforesaid*, That every smith, wheelwright, carpenter, or other artificers, and all watermen employed in the service, as by this act is directed, shall be paid and allowed by the public after the rates following, to wit, every smith four shillings per day; wheelwright three shillings per day; carpenter three shillings per day; and watermen one shilling and six-pence per day: And where any sloop, boat, waggon or cart, impressed and appraised according to the directions of this act shall be damaged; or horse or ox hurt, the damage of the same shall be enquired into by two good and

lawful men on oath, to be appointed as is before directed for appraising; and if the proprietor shall refuse to appoint persons to appraise or value the goods so impressed, it shall and may be lawful for the commanding officer then present, to appoint both persons to make such enquiry, and to administer to them an oath for that purpose, and the difference between the appraisement and valuation when discharged, shall be paid by the public to the proprietor of such sloop, boat, waggon, cart, horse or ox.

XIV. And to the end a sufficient number of men Batteries. may be appointed for guarding the batteries erected in the several rivers of this dominion, and to assist in the better managing the great guns there mounted, when occasion shall be, *It is hereby further enacted*, That it shall and may be lawful for the governor or commander in chief of this dominion for the time being, to appoint and assign such a number of the militia as he shall think fit to attend the said batteries, under the command of such officer or officers, and under such order and discipline as he shall appoint and direct, which number of the militia shall be drafted out of any of the militia of the county by the commanding officer of such county in which such battery is or shall be erected, and shall be exempted from all private musters, except at such battery only during their attendance at such battery; and if any soldier drafted as aforesaid, shall refuse to enter upon the said service, or shall refuse to obey the commands and orders of the commanding officer at such battery, every soldier so offending shall forfeit and pay three pounds, or receive thirty-nine lashes on his bare back well laid on, for every such refusal, upon conviction thereof before a court martial to be held as aforesaid.

XV. And whereas it may be necessary in time of danger to arm part of the militia, not otherwise sufficiently provided out of his majesty's magazine, and other stores within this colony. *Be it further enacted, by the authority aforesaid*, That if any person or persons so armed out of his majesty's stores, shall detain or embezzle any arms or ammunition to him or them delivered for the public service, and shall not produce and re-deliver the same when ordered and required so to do, it shall be lawful for the respective county lieutenants or chief commanding officer within their counties by warrant under his or their hands, to commit such

offender to prison, there to remain until he shall make satisfaction for the arms or ammunition by him detained or embezzled.

The number
of officers
to the res-
pective com-
panies.

XVI. *And be it further enacted, by the authority aforesaid,* That where any commanding officer of the militia, shall in pursuance of this act be obliged to raise any of the militia of his county, such officer shall not depute any greater number of inferior officers to act upon duty than is herein after expressed; that is to say, not more than one captain, one lieutenant, one ensign, three serjeants or corporals, and one drummer for every fifty soldiers; and so in proportion for a greater number: And for every company consisting of thirty men, not more than one lieutenant, one ensign, and two serjeants; and for every company not exceeding fifteen men, not more than one ensign, and one serjeant; and that every commanding officer shall together with the officer of the company by him raised and sent out as aforesaid, certify to the succeeding assembly a distinct list of the number of such company and officers acting under him, together with the time that they shall have been upon actual duty, which certificate shall be attested upon oath by the chief officer of such company before any justice of the peace of the county in which such company shall be raised. And if any commanding officer shall presume to order out a greater number of inferior officers, than are herein before expressed, according to the proportion of soldiers aforesaid, the pay of such supernumerary officers shall be levied on such commanding officer.

No pay
where they
serve only
two days.

XVII. *Provided always,* That when any part of the militia raised by virtue of this act, shall be discharged within two days, no pay or allowance shall be given for the same, but every person shall bear his own charges; and when they shall be kept in service above two days, then the whole time shall be paid for and allowed as aforesaid.

Mutiny and
desertion.

XVIII. And whereas officers and soldiers may mutiny or desert the service and cannot be apprehended, so as to be tried by a court martial, according to the directions of this act; that such offenders may not go unpunished, *Be it enacted, by the authority aforesaid,* That when any of the said offenders cannot be apprehended so as to be tried by a court martial as this act directs, it shall and may be lawful for any court of record within this dominion, upon complaint made to

them by any commanding officer of the militia, and they are hereby required and impowered to cause every such offender to be apprehended and brought before them and take cognizance of the said offence or offences, and upon conviction to impose such fine or inflict such corporal punishment, not extending to life or member, upon every such offender as shall be thought reasonable.

XIX. *And be it further enacted, by the authority aforesaid,* That when the militia of any county shall be drawn out into actual service by virtue of this act, every officer and soldier of such militia shall be exempted from all process in any cause or suit whatsoever, (other than for some criminal matter) and his estate privileged from all executions, attachments and distresses whatsoever; And that if any suit shall be depending in any court whatsoever, in which any officer or soldier so drawn out as aforesaid, shall be a party either plaintiff or defendant, the same shall be stayed and no proceedings be had or taken therein, during the time such officer or soldier shall continue in such service. Militia drawn out exempt from civil process.

XX. *And be it further enacted, by the authority aforesaid,* That for any message sent according to the directions of this act, either by land or water, the same allowance shall be made as is by law given for other public expresses. Pay of messengers.

XXI. *And be it further enacted, by the authority aforesaid,* That this act shall be published at every general muster during the continuance thereof, by order of the county lieutenant or chief officer of the militia then present, under the penalty of ten pounds for every neglect. This act to be published at every general muster.

XXII. *And be it further enacted,* That all the fines inflicted by this act, and not otherwise directed, shall be one half to our sovereign lord the king, for and towards supplying with arms the militia of the county to which the offender belongs, and the other half to the informer, to be recovered with costs by action of debt or information in any court of record within this dominion. Appropriation of fines.

XXIII. *And be it further enacted, by the authority aforesaid,* That all and every other act and acts, clause and clauses heretofore made, for or concerning any matter or thing within the purview of this act, shall Repealing clause.

be and are hereby repealed; and that this act shall commence and be in force from and after the passing thereof, for and during the term of two years.

CHAP. V.

An Act for establishing a trade with the Indians in alliance with his majesty.

I. WHEREAS the establishing a trade with the Indians in alliance with his majesty, in order to supply them with goods and other necessities for their support upon reasonable terms, which in this time of open war cannot be done by private adventurers, it is judged the best method to preserve the friendship of such Indians, and to draw others off from the French interest, and it may be very beneficial to this colony to purchase from such Indians the skins and furs which they are now obliged to sell to the French, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the honorable Peter Randolph, esquire, William Randolph, Richard Bland, Archibald Cary, and Thomas Walker, gentlemen, be and they are hereby constituted and appointed trustees and directors for the better managing and carrying on such Indian trade; and the said trustees, or any three of them, are hereby authorised and impowered to act in all things relating to the said trade, and to manage, govern, direct and do what they shall judge necessary and expedient for the well ordering, conducting and carrying on the same; and shall, as soon as the same can be conveniently done, send to Great Britain for, or purchase a cargo of goods, such as may best answer the wants and occasions of the Indians, and cause or procure the goods so to be sent for or purchased to be carried with all convenient speed and safety to some fortress built or to be built for the defence of the south-western frontiers of this colony, or to any Indian nation, town or other place they shall judge most convenient for carrying on the said trade.

Directors.

GEORGI II,

Regis Magnæ, Britanniae, Franciæ, et
Hiberniæ, tricesimo secundo.

*At a General Assembly, begun and held at
the Capitol, in Williamsburg, on Thurs- Francis Fau-
day the fourteenth day of September, in quier, esq.
the thirty-second year of the reign of our governor.
sovereign lord George II. by the grace of
God, of Great-Britain, France, and Ire-
land, king, defender of the faith, &c. and
in the year of our Lord 1758; being the
first session of this assembly.*

CHAP. I.

*An Act for the defence of the Frontiers of
this Colony, and for other purposes there-
in mentioned.*

I. WHEREAS the money already granted for sup-
porting the forces in the pay of this colony is expend-
ed, and considerable arrears are now due to them, and
it is necessary that money should be raised to discharge
such arrears, and to pay the said forces to the first day
of December next: *Be it therefore enacted, by the Lieu-
tenant-Governor, Council, and Burgesses, of this pre-
sent General Assembly, and it is hereby enacted by the*
authority of the same, That so much money as shall be
necessary for the purposes aforesaid shall be paid by
John Robinson, esquire, treasurer, or the treasurer of
The money raised for payment of the arrears of the forces.

408. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W.
Henning, 1820; Act, Sept. 14, 1758, pp. 171-179.

this colony for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands by virtue of this act, to such person or persons as shall be directed by warrant from the governor or commander in chief of this colony for the time being, so that the sum so to be paid do not exceed, in the whole, the sum of twenty thousand pounds, to be accounted for to the general assembly.

Pay of the first regiment till the first day of May next.

II. And whereas the disbanding all the said forces on the said first day of December will be of dangerous consequence to the safety and welfare of this colony, by leaving the frontiers thereof entirely defenceless and exposed to the continual incursions and depredations of our cruel and merciless enemies: *Be it enacted, by the authority aforesaid,* That a sum not exceeding fifteen thousand pounds, shall be paid and accounted for in manner aforesaid, for the subsistence and pay of the first regiment, part of the said forces, from the said first day of December to the first day of May following.

The first regiment to be employed as rangers.

III. *Provided always, and be it further enacted,* That the said regiment, during that time, shall be stationed in small parties or detachments upon the frontiers of this colony, and be employed in ranging thereon for the better protection of the inhabitants thereof. And if the said regiment shall be detained or prevented by any authority whatsoever from returning to this colony after the said first day of December, or shall not after their return be employed in the service aforesaid, their pay and subsistence hereby given shall cease, and the said regiment shall not be deemed or taken to be in the service or pay of this colony, any thing in this act to the contrary notwithstanding.

Officers discontinued.

IV. *Provided also,* That during the time aforesaid, the chaplain, adjutant, quarter master, and fort major shall not be continued in the said regiment, and that there shall be but one colonel to the said regiment, and that no allowance shall be made to the said colonel for the expences of his table.

Militia.

V. And whereas several companies of the militia were lately drawn out into actual service, for the defence and protection of the frontiers of this colony, whose names, and the time they respectively continued in the said service, together with the charge of provisions found for the use of the said militia, are contained in the schedule to this act annexed; and other

companies of the said militia are now in actual service, for the purposes aforesaid, whose accounts are not settled or inserted in the said schedule, and commissioners are appointed for stating and settling the same, as also the accounts of provisions for the said militia, and it is just and necessary that they should be paid for such their services and provisions by the public: *Be it enacted, by the authority aforesaid,* That the said treasurer, out of the money to be raised by virtue of this act, shall within three months after the passing thereof, pay to the officers, private soldiers, and other persons particularly named in the said schedule, the several sums to which they are thereby respectively entitled; and also to such officers, soldiers, and other persons who shall produce to the said treasurer proper certificates from the said commissioners, together with a warrant from the governor or commander in chief for the payment of the same.

VI. *And be it further enacted, by the authority aforesaid,* That the said treasurer, out of the money to be raised by virtue of this act, shall pay to the honorable Francis Fauquier, esquire, Lieutenant-Governor, or the commander in chief for the time being, a sum not exceeding four thousand pounds, to be laid out for and in the raising and maintaining companies of rangers consisting of one hundred men each with their officers, to be employed as rangers for the protection of the subjects on the frontiers of this colony, as the governor or commander in chief shall direct from time to time, and shall not be sent out of this colony.

VII. And whereas it will be very troublesome to the governor or commander in chief to examine and settle the accounts of the several charges and expenses of the said forces, *Be it therefore enacted, by the authority aforesaid,* That William Prentis, James Cocke, and Thomas Everard, gentlemen, shall, and are hereby appointed commissioners to examine, state, and settle such accounts relating to the expenses of the said officers and men as shall from time to time be referred to them by the governor or commander in chief for the time being; and each of the said commissioners shall be allowed for their trouble therein the sum of seventy-four pounds.

VIII. And for raising the money hereby given and granted. *Be it further enacted, by the authority aforesaid,* That a tax or duty of one shilling shall be paid

Four companies of rangers to be maintained.

Commissioners appointed.

The taxes.

Poll-tax.

for every tithable person in this colony; to the sheriff of the county where such person shall be inlisted, by the person inlisting the same, on or before the tenth day of April, one thousand seven hundred and sixty-one; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-two; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-three; and the further tax or duty of one shilling shall be paid, in like manner, for every such tithable person, on or before the tenth day of April, one thousand seven hundred and sixty-four; and that a further tax of two shillings for every tithable person in this colony shall be paid on the tenth day of April, in the year one thousand seven hundred and sixty-five; and the like tax of two shillings, for every such tithable person, shall be paid, on the tenth day of April, in the year one thousand seven hundred and sixty-six. And that a farther tax of two shillings for every hundred acres of land, and so in proportion for a greater or lesser quantity, shall be paid, in like manner, in each of the said two last mentioned years; which said taxes or duties shall be paid, collected, and accounted for in such manner and form, according to such rules, and under such penalties and forfeitures as are mentioned, prescribed, and appointed for the paying, collecting, and accounting for the tax or duty imposed upon lands and tithables, payable in the years one thousand seven hundred and sixty-one and the three next following, by one act of assembly made in the thirty-first year of the reign of his present majesty, intituled, An Act for granting an aid to his majesty for the better protection of this Colony, and for other purposes therein mentioned; and that every article, rule and clause contained in the said act concerning the paying, collecting, and accounting for the duties thereby imposed in the said years one thousand seven hundred and sixty-one and the three next following shall be used, exercised, and put in practice, for paying, collecting, and accounting for the taxes or duties hereby imposed as if the like articles, rules and clauses were inserted in this act.

Land tax.

Treasury
notes.

IX. And whereas the taxes imposed by this act cannot be collected in time to answer the purposes hereby

intended: *Be it enacted by the authority aforesaid,* That it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to issue and emit treasury notes to answer the demands that shall be made upon him for the purposes aforesaid, so as the whole sum of such notes, so to be issued, shall not exceed the sum of fifty seven thousand pounds: which several notes shall be prepared, printed and engraved in such form, and after such method as the said treasurer shall judge will be most safe from counterfeits and forgeries: And two thousand two hundred and fifty of the said notes shall be of the value or denomination of five pounds; and shall be signed by Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman: Two thousand two hundred and fifty of the said notes of the value or denomination of three pounds, and shall be signed by the said Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman: Two thousand two hundred and fifty of the said notes of the value or denomination of two pounds, and shall be signed by the said Peyton Randolph, Esquire, and Robert Carter Nicholas, gentleman. Fifteen thousand of the said notes of the value or denomination of twenty shillings, and shall be signed by Benjamin Waller and Philip Johnson, gentlemen: Fifteen thousand of the said notes of the value or denomination of ten shillings, and shall be signed by the said Benjamin Waller and Philip Johnson, gentlemen. Twenty five thousand of the said notes of the value or denomination of five shillings, and shall be signed by John Randolph, esquire: Twenty-five thousand of the said notes of the value or denomination of two shillings and six pence, and shall be signed by the said John Randolph, esquire. Twenty thousand of the said notes of the value or denomination of one shilling and three pence, and shall be signed by Edmund Pendleton, gentleman; and twenty thousand of the said notes of the value or denomination of one shilling, and shall be signed by the said Edmund Pendleton, gentleman.

X. *And be it further enacted, by the authority aforesaid,* That in case of the death or absence or any of signers die them the said Peyton Randolph, Robert Carter Nicholas, Benjamin Waller, Philip Johnson, John Randolph, or are absent. and Edmund Pendleton, before all the treasury notes shall be signed which are herein required to be signed

by such person, in that case it shall and may be lawful for the said treasurer, or the treasurer for the time being, appointed as aforesaid, to appoint some other person to sign such notes in the room of him so dead or absent, which signing shall be as effectual to all intents and purposes as if such notes were signed by the persons herein named, and public notice of such alteration shall be given by the treasurer in the Virginia Gazette for three weeks after such alteration shall take place.

Overlookers
of the press.

XI. And be it further enacted, That John Palmer and George Davenport, gentlemen, shall, and they are hereby appointed to overlook the press during the time of printing the notes to be issued pursuant to this act, who shall use the best of their care, attention and diligence that the number and amount of the said notes, according to their respective denominations aforesaid, be not exceeded, nor any fraudulent practice used by the printer, his servants, or any person concerned therein; and shall number and deliver such notes, when printed, to the persons appointed to sign the same, respectively, taking his or their receipt for the same, from time to time, and that each of them shall have for their trouble therein the sum of fifty pounds, to be paid them by the treasurer for the time being. And the persons so appointed to sign the said notes shall deliver them, when signed, to the treasurer for the time being, appointed as aforesaid, and take his receipt for the same; and each signer shall receive of the said treasurer twenty shillings for every thousand of the said notes by them respectively signed and delivered as aforesaid: And the said treasurer shall be allowed half per centum upon all the said notes by him paid away as his salary for paying the same.

The redemption
of the
notes, and
their currency.

XII. And be it further enacted, That all notes to be issued in pursuance of this act shall be redeemable on the fourteenth day of September, one thousand seven hundred and sixty-six, and shall then be paid by the treasurer for the time being: And further, that all such notes shall be received and pass as a lawful tender in payment of any debt, duty, or demand whatsoever (except for the payment of his majesty's quitrents) from the time of issuing such notes until the time before specified for the redemption thereof at the treasury, as

aforesaid. And if any person or persons within this colony shall, during the time the said treasury notes are to remain current, as aforesaid, offer to sell or expose to sale any goods or chattels, lands or tenements whatsoever, and shall deny or refuse to sell the same, or demand a greater price unless he be paid for the same in gold or silver coin, and not in the said notes: Or if any person or persons shall exchange gold or silver coin for the said bills, and demand or take any allowance for the difference of the value thereof, or shall offer to buy or sell bills of exchange at a greater or higher difference of exchange for the said treasury bills than for gold or silver coin, or shall use any other device, means, or method whatsoever whereby the credit of the said notes may be impaired, every person so offending shall forfeit and pay after the rate of twenty per centum upon the value of the goods or chattels, lands or tenements so offered or exposed to sale, or of the money so exchanged, or of the bills of exchange so bought or sold, to be recovered by the informer, to his own use, before any justice of the peace, where the penalty does not amount to more than twenty-five shillings, and where it shall exceed that sum, the said penalty shall be one half to our lord the king, for the public use, and to be paid to the treasurer aforesaid, or the treasurer for the time being, appointed as aforesaid, and disposed of as the General Assembly shall direct, and the other half to the informer, and shall and may be recovered with costs, by action of debt or information, in any court of record within this colony.

XIII. *And be it further enacted, by the authority aforesaid,* That if any person or persons shall forge or counterfeit, alter or erase, any such treasury note, or shall tender in payment, by way of barter or otherwise, to any person whatsoever, or shall demand a redemption of any such note at the treasury, knowing the same to be forged or counterfeited, altered or erased, every such person so offending, if lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony, without benefit of clergy.

XIV. *And be it further enacted,* That the money to be raised by the duties and taxes imposed by this act shall stand, be, and remain as a security for the redemption of the said treasury notes so to be issued, and the said treasurer, or the treasurer for the time

Penalty on counterfeiting.

Security for the redemption of the notes.

being, appointed as aforesaid, is hereby required to apply all such money as shall come to his hands by virtue of this act for and towards the redemption of the said treasury notes, and to no other use, intent, or purpose whatsoever.

Treasurer to
give further
security.

XV. *And be it further enacted, by the authority aforesaid,* That John Robinson, esq. treasurer of this colony, shall give such further security as shall be approved by the governor or commander in chief of this colony, in the sum of one hundred thousand pounds for the due answering and paying all the money by him received, from time to time, and for the due and faithful performance of his said office; and in case of his death, resignation, or disability, the treasurer to be appointed in his stead shall, in like manner, give such further security before he enters into his said office.

Militia in
Garrison
may be con-
tinued.

XVI. And whereas by an act of assembly, intituled, An Act for augmenting the forces in the pay of this colony to two thousand men, and for other purposes therein mentioned, it is enacted, That the president and commander in chief, for the time being, with the advice and consent of the council, should cause and direct such and so many men to be drafted out of the militia as to him shall appear necessary to garison the forts built for the protection of this colony during the absence of the soldiers; and the men so to be drafted to continue in garison, or relieve them by new drafts, from time to time, as the said commander in chief, with the advice of the council, should direct, so as such militia be not continued in garison longer than until the twentieth day of December next; and as it is not probable that detached parties of the first Virginia regiment will march to the protection of the frontiers of this colony by the said twentieth day of December next: *Be it therefore enacted, by the authority aforesaid,* That it shall and may be lawful for the governor or commander in chief of this colony for the time being, with the advice and consent of the council, to continue such men, now drafted out for the purposes aforesaid, in their several duties and stations, or to relieve them by new drafts, till such detachments of the regiment aforesaid shall march to the frontiers of this colony, as by this act is intended.

Provisions
for the Mil-
itia.

XVII. And for the more effectual victualling the militia so drawn out as aforesaid, *Be it further enacted,* That it shall and may be lawful for the governor or

commander in chief of this colony for the time being, to contract with any person or persons for procuring proper provisions for such militia, in the best and most expeditious manner that to him shall seem convenient.

The SCHEDULE to which this Act refers.

To the Militia of the County of Augusta, and for Provisions furnished by sundry Inhabitants of the said County, viz.

	<i>l.</i>	<i>s.</i>	<i>d.</i>
To captain Alexander Sayers for his pay, and the pay of his officers and company of militia to the last day of August, 1758 inclusive, as per muster-roll,	246	14	8
To captain Abraham Smith,	5	8	
Sampson Archer, lieutenant,	2	5	
James Henderson, ensign,	1	18	
Benjamin Kinley, serjeant,	1		
Jonas Friend, corporal,	1	1	4
Robert Tremble, do.	1	2	8
To Robert Mitchell, William Blackwood, John Black, Richard Yedley, and John Lawn, 19 shillings each,	4	15	00
Adam Dunlop,		18	
John Cosby, Robert McCoy, Andrew Little, and George Lewis, 17 shillings each,	3	8	00
Henry Benningar,		13	
To Adam Harper, and Woolrey Coonrod, 16 shillings each,	1	12	
To William Minter, William Cunningham, Robert McCarney, Daniel McNight, John Cunsingham, Andrew Cunningham, jun. John Cunningham, Edward Waits, Charles Driver, James Anderson, James Young, William Rolestone, Matthew Rolestone, John Peterson, Darby Conway, Martin Cornet, Thomas McNamar, Thomas Peterson, James Fowler, and Samuel Semple, 15 shil. each,	15	00	00
To Michael Mallow		11	
John Stevenson,		14	

CHAP. IV.

An Act for continuing an act, intituled, An Act for reducing the several acts for making provision against invasions and insurrections into one act.

I. WHEREAS the act of assembly made in the thirtieth year of his present majesty's reign, intituled, *An Act for reducing the several acts for making provision against invasions and insurrections, into one act*, will expire on the eighth day of June next; and it being necessary and expedient that the said act should be continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said recited act of assembly, and every clause and article thereof, shall continue and be in force from and after the said eighth day of June next, for and during the term of one year from thence next following, and no longer.*

Act making provision against invasion and insurrections, further continued.

CHAP. V.

An Act for preventing fraudulent gifts of Slaves.

I. WHEREAS many frauds have been committed by means of secret gifts made, or pretended to have been made, of slaves, by parents and others, who have notwithstanding remained in possession of such slaves as visible owners thereof, whereby creditors and purchasers have been frequently involved in expensive lawsuits, and often deprived of their just debts & purchases: For prevention whereof, *Be it enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act no gift of any slave or slaves shall be good or sufficient to pass*

Preamble.

Gifts of slaves must be by will, or deed proved and recorded.

409. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Sept. 1758, p. 237.

ANNO REGNI

GEORGI II,

Regis Magnæ, Britanniae, Franciæ, et
Hiberniæ, tricesimo secundo.

See also original
p. 252

At a General Assembly, begun and held at the Capitol, in Williamsburg, on Thursday the fourteenth day of September, in the thirty-second year of the reign of our sovereign lord George II. by the grace of God, of Great-Britain, France, and Ireland, king, defender of the faith, &c. and in the year of our Lord 1758; and from thence continued by prorogation to Thursday the ninth of November, in the year of our Lord 1758; and then held at the Capitol, in Williamsburg; being the second session of this assembly.*

CHAP. I.

An Act to amend an act, intituled, An Act for the defence of the frontiers of this colony, and for other purposes therein mentioned.

I. WHEREAS by an act passed at the last session of assembly, intituled, An Act for the defence of the Act for defence of frontiers amended.

* This was September, in the printed act; but it was a mistake, and corrected in the margin, by inserting November. The preceding session was in September.

410. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Sept. 14, 1758–Nov. 9, 1758, pp. 251–253. .

frontiers of this colony, and for other purposes therein mentioned, it is among other things enacted, That a sum, not exceeding fifteen thousand pounds, shall be paid and accounted for, in the manner as in the said act is directed, for the subsistence and pay of the first regiment, part of the said forces, from the first day of December to the first day of May following: With a proviso, That the said regiment, during that time, shall be stationed in small parties or detachments upon the frontiers of this colony, and be employed in ranging thereon, for the better protection thereof; and if the said regiment shall be detained or prevented by any authority whatsoever from returning to this colony after the said first day of December, or shall not after their return be employed in the service aforesaid, their pay and subsistence hereby given shall cease, and the said regiment shall not be deemed or taken to be in the service or pay of this colony, any thing in the said act to the contrary notwithstanding. With a further proviso, That during the time aforesaid the chaplain, adjutant, quarter-master, and fort-major, shall not be continued in the said regiment; that there shall be but one colonel to the said regiment, and that no allowance shall be made to the said colonel for the expence of his table.

Fort Du
Quesne, a-
bout to be
attacked.

Governor
may contin-
ue forces
longer in ser-
vice.

II. And whereas the said regiment, and the other forces in the pay of this colony, in conjunction with his majesty's regular forces, are now on their march to attack the enemy at Fort Du Quesne, and the withdrawing the said regiment at such a juncture may not only be of the most dangerous consequence to the said colony, but also occasion the defeat and total loss of the regular forces now on that expedition: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the governor or commander in chief of this colony shall have full power and authority to continue both the regiments now in the pay of this colony under the present establishment and regulation, and employ them in such manner and on such service as he shall judge most conducive to his majesty's interest and the safety of this colony, till the first day of January next, any thing in the said recited act to the contrary, or seeming to the contrary, notwithstanding.*

III. *Provided always,* That the soldiers in the second regiment shall not be obliged or compelled to continue in the service longer than the first day of December, and shall then be at liberty to quit the said service without being subject to the penalties inflicted by law for desertion. How long soldiers in 2d regiment may be continued.

IV. *And be it further enacted, by the authority aforesaid,* That John Robinson, esquire, treasurer, or the treasurer for the time being, appointed by or pursuant to an act of assembly, out of the public money that shall come to his hands, shall pay to such person or persons as shall be directed by warrant from the governor or commander in chief of this colony for the time being, so much money as shall be necessary for the pay of the said second regiment from the first day of December to the said first day of January next. Appropriation.

An Act for further continuing an Act, intituled, An act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands.

Act imposing additional duties on Rum, &c. continued.

I. WHEREAS by an Act of Assembly, made in the twenty-eighth year of his present Majesty's reign, intituled, An Act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands, an additional duty of four pence per gallon was laid on all such liquors imported into this colony by land or water, from any port or place whatsoever, except directly from Great Britain or some of his majesty's Sugar Colonies, which was continued by another act of Assembly, made in the thirtieth year of his said Majesty's reign, intituled, An Act for continuing the act, intituled An Act for laying an additional duty on Rum and other distilled Spirits, not being of the produce of his Majesty's Sugar Islands, for the term of three years, and will expire on the first day of August one thousand seven hundred and sixty-one; and it being found necessary that the same should be further continued for the purposes therein mentioned, and for discharging the public debts and other exigencies of this government, *Be it therefore enacted, by the Lieutenant-Governor, Council and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That the said first recited act shall continue and be in force, from and after the expiration thereof, for and during the term of five years from thence next following, and no longer.*

CHAP. IV.

An Act for continuing an Act, intituled, An Act for the better regulating and disciplining the Militia.

I. WHEREAS the act of assembly, made in the thirtieth year of the Reign of his present Majesty, in-

Act for better regula-

intituled, An Act for the better regulating and disciplining the Militia, will expire on the eighth day of June, one thousand seven hundred and sixty; and it being necessary that the same should be continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said act of Assembly, made in the thirtieth year of the Reign of his present Majesty, intituled, An Act for the better regulating and disciplining the Militia, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of three years from thence next following.

CHAP. V.

An Act for further continuing an Act, intituled, An Act for reducing the several Acts for making provision against Invasions and Insurrections, into one Act.

I. WHEREAS the act of Assembly, made in the thirtieth year of the reign of his present majesty, intituled, an Act for reducing the several Acts for making provision against invasions and insurrections, into one act, will expire the eighth day of June, one thousand seven hundred and sixty; and it being necessary and expedient that the said act should be further continued, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said recited act of assembly, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of one year from thence next following.

intituled, An Act for the better regulating and disciplining the Militia, will expire on the eighth day of June, one thousand seven hundred and sixty; and it being necessary that the same should be continued: *Be it therefore enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said act of Assembly, made in the thirtieth year of the Reign of his present Majesty, intituled, An Act for the better regulating and disciplining the Militia, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of three years from thence next following.

CHAP. V.

An Act for further continuing an Act, intituled, An Act for reducing the several Acts for making provision against Invasions and Insurrections, into one Act.

I. WHEREAS the act of Assembly, made in the thirtieth year of the reign of his present majesty, intituled, an Act for reducing the several Acts for making provision against invasions and insurrections, into one act, will expire the eighth day of June, one thousand seven hundred and sixty; and it being necessary and expedient that the said act should be further continued, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same,* That the said recited act of assembly, shall continue and be in force, from and after the said eighth day of June, one thousand seven hundred and sixty, for and during the term of one year from thence next following.

411. Va.—General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, Sept. 14, 1758—Feb. 22, 1759, p. 275.

the expiration thereof, for and during the term of two years, and from thence to the end of the next session of assembly.

See also original
pp. 537, 538

CHAP. III.

An Act for amending and further continuing the act for the better regulating and disciplining the Militia.

Preamble. I. WHEREAS the act of assembly made in the thirtieth year of the reign of his late majesty king George the second, entitled, An act for the better regulating and disciplining the militia, which was continued by another act made for that purpose in the thirty-second year of his said late majesty's reign, will expire on the eighth day of June next, and it is necessary that the said act should be further continued, with some amendments:

Exemptions. II. *Be it therefore enacted, by the Lieutenant-Governour, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That from and after the passing of this act the several persons herein after-mentioned shall be, and are hereby declared, to be free and exempt from appearing or mustering either at the private or general musters of their respective counties, that is to say: All his majesty's justices of the peace within this colony, who have qualified themselves for their offices by taking the oaths by law appointed to be taken by justices of the peace, and who are really and bona fide acting justices of their respective counties (except such as now do, or hereafter shall, bear any commission as officers of the militia in their respective counties) all persons bred to and actually practising physick or surgery, and all inspectors at the publick warehouses appointed for the inspection of tobacco; and they shall not be subject or liable to any fine, forfeiture or penalty, for absenting themselves from the same,*

413. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 7, W. Hening, 1820; Act, May 26, 1761–Nov. 1762, pp. 536–538.*

III. *Provided always*, That the persons so exempt- Such ex-
ed from mustering shall provide complete sets of arms, empts to find
 as are by the said act required for soldiers, for the arms,
 use of the county, city or borough, wherein they shall
 respectively reside; and if they shall fail or refuse so
 to do, within one year after the passing of this act,
 then it shall and may be lawful for the courts of the
 several counties, city or borough, wherein the the pers-
 ons before-mentioned shall reside, and they are here-
 by empowered and required, to levy the value of such
 arms on each of them respectively.

IV. *Provided also*, That nothing herein contained Not to ex-
 shall be construed to oblige any of the persons ex- tend to for-
 empted from mustering as aforesaid, who have alrea- mer exempts
 dy provided arms for the use of the county, city or
 borough, wherein they reside, according to the direc-
 tions of the said act.

V. *And be it further enacted, by the authority afore-* Such ex-
said, That every person so exempted shall always empts to
keep in his house or place of abode such arms, accou- keep arms.
trements, and ammunition, as are by the said act re-
quired to be kept by the militia of this colony; and if he
shall fail or refuse so to do he shall forfeit and pay the
sum of five pounds, to be levied and assessed on him
in the same manner as the several fines and forfeitures
inflicted by the said act are directed to be levied and
assessed: And such exempts shall also, in case of any
invasion or insurrection, appear with their arms and
ammunition at such place as shall be appointed by the
commanding officer of the militia of their respective
counties, cities or boroughs, and shall then be incor-
porated with, and be subject to the same discipline,
rules and orders, and also the same fines, forfeitures
and penalties, for non-appearance or misbehaviour,
as the other militia of this colony are subject to.

VI. *And be it further enacted, by the authority afore-* Genera:
said, That from and after the passing of this act the muster
 lieutenant, or chief commanding officer, of the militia
 of the several counties of this colony, and also of the
 city of Williamsburg and borough of Norfolk, shall
 cause a general muster of the several companies of
 their militia once only in every year, to be in the
 months of March or April; and that a general court-
 martial shall be held in the manner by the said act
 prescribed, on the day next following the said general
 muster, if fair (if not the next fair day) and if any sol-

dier shall at any general or private muster refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at such court-martial, he shall forfeit and pay the sum of forty shillings current money, to be applied to the same uses as the other fines and forfeitures inflicted by the said act; or it shall and may be lawful to and for the chief commanding officer then present to cause such offender to be tied, neck and heels, for any time not exceeding five minutes, and shall not inflict any other corporal punishment.

Williams-
burg.

VII. And whereas it hath been doubted whether the sheriffs of York and James City are by law obliged to obey the orders of the courts-martial of the said city of Williamsburg, in receiving or collecting the fines to which the inhabitants of the said city may be subject, by virtue of the said act: *Be it therefore enacted, by the authority aforesaid*, that from & after the passing of this act it shall and may be lawful to and for the courts-martial to be held in pursuance of the said act to order and direct either the serjeant of the said city, or the sheriffs of the said counties of York and James City, to receive and collect all such fines as shall be inflicted and ordered to be levied by them on such of the inhabitants of the said city as shall reside in their respective precincts; and thereupon the said serjeant or sheriff, respectively, shall proceed in the same manner to collect such fines, and shall be accountable for them to the courts-martial of the said city, and shall be subject and liable to the same prosecution, in case of their failing, neglecting or refusing, to collect the said fines, as are prescribed, directed and appointed, in the like cases, for the counties of this colony.

Continuance IX. *And be it further enacted, by the authority aforesaid*. That this act, together with the said recited act, except so much thereof as comes within the purview of this act, shall continue and be in force from and after the said eighth day of June next, for and during the term of four years, and from thence to the end of the next session of assembly.

arms whatever, proper to facilitate the escape of any prisoner; and the same shall deliver or cause to be delivered to any prisoner in any such goal, or to any other person there, for the use of any such prisoner, without the consent of the keeper or under-keeper of any such goal or prison; every such person, although no escape or attempt to escape be actually made, shall be deemed to have aided, and to have delivered such instrument or arms, with an intent to assist such prisoner to escape or attempt to escape. And in case the prisoner so aided as aforesaid, or for whose use such instrument or arms shall be so delivered them, was committed or detained upon any process whatsoever, for any debt, damage, costs, sum or sums of money, every such person so offending, and being thereof lawfully convicted, shall be deemed and adjudged to be guilty of a misdemeanor, and liable to a fine and imprisonment: And if the person so convicted shall fail to make present payment of such fine, he shall, by order of the court before whom such conviction shall be, receive on his bare back twenty-one lashes well laid on, at the publick whipping-post.

II. *Provided always*, That there shall be no prosecution for the said offences, unless such prosecution be commenced within one year after such offence be committed.

See also original
p. 245

CHAP. XXXI.

An act to continue and amend the act for the better regulating and disciplining the militia.

I. WHEREAS the act of assembly made in the thirteenth year of the reign of his late majesty king George the second, intituled, An act for the better regulating and disciplining the militia, which was continued by two other acts made in the thirty-second year of his said late majesty's reign, and in the third year of his present majesty's reign, will expire on the eighth day of June next, and it is expedient that the same should be further

Act for better regulating and disciplining militia, further continued, and amended.

F 2—VOL. 8.

continued with amendments; *Be it therefore enacted by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same,* That from and after the passing of this act the several persons herein after mentioned shall be, and they are hereby declared to be free and exempt from appearing or mustering either at the private or general musters of their respective counties, that is to say, all his majesty's justices of the peace within this colony, who have qualified themselves for their office by taking the oaths by law appointed to be taken by justices of the peace, and who are really and *bona fide* acting justices of their respective counties (except such as do now or hereafter shall bear any commission as officers of the militia in their respective counties) all persons bred to, and actually practising physic or surgery, all the people called Quakers, and all inspectors at the public warehouses, appointed for the inspection of tobacco; and they shall not be subject or liable to any fine, forfeiture or penalty, for absenting themselves from the private or general musters of their respective counties.

Justices of the peace, except officers, physicians, quakers, and inspectors of tobacco, exempted from militia duty.

II. Provided always, That the persons so exempted (not being Quakers) shall provide compleat sets of arms, as are by the said act required for soldiers, for the use of the county, city or borough, wherein they shall respectively reside: And if they shall fail or refuse so to do, within one year after the passing of this act, then it shall and may be lawful for the courts of the several counties, city or borough, wherein the persons before-mentioned shall reside, and they are hereby impowered and required to levy the value of such arms on each of them respectively.

Exempts, except quakers, to provide arms.

III. Provided also, That nothing herein contained shall be construed to oblige any of the persons exempted from mustering as aforesaid, who have already provided arms for the use of the county, city or borough, wherein they reside, according to the directions of the said act.

Proviso.

IV. And be it further enacted, by the authority aforesaid, That the lieutenant or chief commanding officer of the militia in every county shall list all male persons of the people called Quakers, above the age of eighteen years, and under the age of sixty years, within his county, under the command of such captain as he shall think fit; and if upon any invasion or insurrection the militia

Quakers to be enrolled, and on a call of the militia to furnish a substitute.

of the counties to which such Quakers belong, shall be drawn out into actual service, and any Quaker so inlisted shall refuse to serve or provide an able and sufficient substitute in his room, if thereto required by the lieutenant or chief officer of the militia of his county, in such case every Quaker so refusing to serve or provide a substitute as aforesaid, shall forfeit and pay the sum of ten pounds; to be recovered before any justice of the peace of the county, upon the complaint of such lieutenant or chief officer, and to be levied by distress and sale of the estate of the Quaker so refusing, which sum shall be applied by the said lieutenant or chief officer towards providing a substitute in the room of the Quaker upon whom the same shall be levied as aforesaid.

Penalty for neglect.

V. *Provided always*, That the number of Quakers required by the lieutenant or chief officer of any county to serve or find substitutes as aforesaid, shall not exceed the proportion the whole number of Quakers bear to the whole number of the other militia, upon the muster rolls of the said county.

Proviso.

VI. *Provided also, and be it further enacted, by the authority aforesaid*, That no Quaker shall be exempted from appearing at musters as aforesaid, until he shall produce, to the lieutenant or chief officer of the militia of his county, a testimonial or certificate from the monthly meeting to which he belongs, that he is really and *bona fide* one of the people called Quakers, and is acknowledged and received by them as a member of their society; and if at any time any person calling himself a Quaker shall be excommunicated or excluded from the said society, the monthly meeting to which such excluded person did belong, shall, within three months after such exclusion, cause the same to be certified to the lieutenant or chief officer of the militia of the county, and thereupon the person so excluded shall be deprived of the exemption from appearing at musters as aforesaid, and shall be subject to the fines and penalties inflicted by the said recited act for not appearing at musters.

Quakers to produce testimonials.

VII. *And be it further enacted by the authority aforesaid*. That every person so exempted (not being a Quaker) shall always keep in his house or place of abode, such arms, accoutrements and ammunition, as are by the said act required to be kept by the militia of this colony; and if he shall fail or refuse so to do, he

Penalty on exempts, except Quakers, failing to provide arms.

shall forfeit and pay the sum of five pounds, to be levied and assessed on him in the same manner as the several fines and forfeitures, inflicted by the said act, are directed to be levied and assessed: And such exempts shall also, in case of any invasion or insurrection, appear with their arms and ammunition, at such place as shall be appointed by the commanding officer of the militia of their respective counties, cities, or boroughs, and shall then be incorporated with, and be subject to the same discipline, rules and orders, and also the same fines, forfeitures and penalties, for non-appearing or misbehaviour, as the other militia of this colony are subject to.

General musters, when.

Punishment for disobedience.

Sheriff of York and James City, or sergeant of Williamsburg, to collect fines.

VIII. *And be it further enacted by the authority aforesaid,* That from and after the passing of this act the lieutenant or chief commanding officer of the militia of the several counties of this colony, and also of the city of Williamsburg and borough of Norfolk, shall cause a general muster of the several companies of their militia once only in every year, to be in the months of March or April; and that a general court-martial shall be held in the manner by the said act prescribed on the day next following the said general muster if fair (if not the next fair day) and if any soldier shall, at any general or private muster, refuse to perform the command of his officer, or behave himself refractorily or mutinously, or misbehave himself at such court-martial, he shall forfeit and pay the sum of forty shillings current money, to be applied to the same uses as the other fines and forfeitures inflicted by the said act; or it shall and may be lawful to and for the chief commanding officer, then present, to cause such offender to be tied neck and heels for any time not exceeding five minutes, and shall not inflict any other corporal punishment.

IX. *And,* whereas it hath been doubted whether the sheriffs of York and James City are by law obliged to obey the orders of the court-martial of the said city of Williamsburg, in receiving or collecting the fines to which the inhabitants of the said city may be subject, by virtue of the said act; *be it therefore enacted by the authority aforesaid,* That from and after the passing of this act, it shall and may be lawful to and for the court-martial, to be held in pursuance of the said act, to order and direct either the sergeant of the said city, or the sheriffs of the said counties of York and James City to receive and collect all such fines as shall be inflicted and

ordered to be levied by them on such of the inhabitants of the said city as shall reside in their respective precincts, and thereupon the said sergeant or sheriff, respectively, shall proceed in the same manner to collect such fines, and shall be accountable for them to the court-martial of the said city, and shall be subject and liable to the same prosecution in case of their failing, neglecting or refusing, to collect the said fines, as are prescribed, directed and appointed in the like cases, for the counties in this colony,

X. *And be it further enacted by the authority aforesaid, That this act, together with the said recited act (except so much thereof as comes within the purview of this act) shall continue and be in force from and after the passing of this act for and during the term of four years, and from thence to the end of the next session of assembly.*

Continuance
of act.

CHAP. XXXII.

In act for the preservation of the breed of cattle.

1. WHEREAS it is represented to this general assembly, that the inhabitants of this colony have sustained great damage in the loss of their stocks of cattle, by reason of distempered cattle being brought into and carried through this colony from the provinces of North and South Carolina: For prevention whereof, *Be it enacted, by the Lieutenant-Governor, Council, and Burgesses, of this present General Assembly, and it is hereby enacted by the authority of the same, That from and after the last day of April next, and during the continuance of this act, every person intending to drive any cattle within this colony (except such as shall be brought from Great-Britain) shall immediately upon his arrival within this colony apply to a justice of the peace, and deliver to him an account of the number of cattle in his drove, and such justice shall and may, and is hereby required to administer to the person, so applying, the following oath, to wit, I A. B. do solemnly swear, that I have known all the cattle now by me brought into the*

Regulations
for driving
cattle
through this
colony.

Account of
cattle, and
oath of driver.

be approved of by the president or commander in chief, in the sum of sixty thousand pounds, for the due answering and paying all such money as shall be received by him from time to time, and for the true and faithful performance of his office, and in case of his death, resignation, or disability, the treasurer to be appointed in his stead shall, in like manner, give such further security, before he enters into his said office.

XXVII. *And be it further enacted, by the authority* Continuance
aforesaid, That so much of this act, as relates to the imposing the duties aforesaid, shall continue and be in force until the twenty-fifth day of October, one thousand seven hundred and seventy-five, and no longer.

CHAP. II.

*An act for further continuing the act,
intituled An act for the better regulat-
ing and disciplining the militia.*

I. WHEREAS the act of assembly, made in the thirtieth year of the reign of his late majesty king George the second, intituled *An act for the better regulating and disciplining the militia*, which was continued by another act, made in the thirty-second year of his said late majesty's reign, and was continued and amended by two other acts, made in the third and seventh years of his present majesty's reign, will expire at the end of this present session of assembly, and it is expedient that the same should be further continued: Act for better regulating and disciplining the militia, further continued.

II. *Be it therefore enacted, by the President, Council, and Burgesses, of this present General Assembly, and it is hereby enacted, by the authority of the same, That this act, together with the said recited acts, shall continue and be in force, from and after the passing of this act, for and during the term of two years.*

415. Va.—*General Assembly, Williamsburg; Va. Laws, W. Hening, Vol. 8, 1821; Act, Nov. 7—July 11, 1771, p. 503.*

AT a Convention of Delegates for the Counties and Corporations in the Colony of Virginia, held at Richmond town, in the county of Henrico, on Monday the seventeenth day of July, in the year of our Lord one thousand seven hundred and seventy-five.

Feyton Randolph, esq.
President.

See also original
pp. 27 and 34

ORDINANCES, &c.

CHAP. I.

*An ordinance for raising and embodying a sufficient force, for the defence and protection of this colony.**

WHEREAS it is found necessary, in the present Preamble.
time of danger, that a number of forces should be immediately raised, and that the militia should be settled under proper arrangements, and be thoroughly disciplined, for the better protection and defence of the country against invasions and insurrections:

Be it therefore ordained, by the delegates and representatives of the several counties and corporations within the colony and dominion of Virginia, now assembled in general convention, and it is hereby ordained by authority of the same, That there shall be forthwith raised, and taken into the pay of this colony, from the time of their enlistment, two regiments complete, to consist of one thousand and twenty privates, rank and file: Five hundred and forty four of whom to be the first regiment, under the command of a colonel, lieutenant-colonel, and a major, eight captains, sixteen lieutenants, eight ensigns, twenty four serjeants, eight drummers,

Two regiments of regulars to be raised.

Number.

Officers.

* In the original, the title of this ordinance is wanting; nor are any of the chapters numbered. The title is here inserted from the Chancellors' Revisal, edi. 1785, p. 30, and the late edition of the Ordinances of 1816, p. 29.

VOL. IX.

B

416. Va.—Convention of Delegates, Richmond; Va. Laws, W. Hening, Vol. 9, 1821; Chs. I & II Acts, July 17, 1775, pp. 9–48.

Staff. and eight fifiers; and the second regiment to consist of four hundred and seventy six, under the command of a colonel, lieutenant-colonel, major, seven captains, fourteen lieutenants, seven ensigns, twenty one serjeants, seven drummers, and seven fifiers; to each of which regiments there shall be allowed a chaplain, a paymaster (who is also to act as muster-master) an adjutant, quarter-master, one surgeon, two surgeons mates, and a serjeant-major.

Officers how appointed. And for the better and more orderly appointment of the officers, *Be it farther ordained*, That the several field-officers shall from time to time be appointed, or approved, by the general convention of delegates; that the deputies of each district herein after described, excepting the counties of Accomack and Northampton, shall appoint one captain, two lieutenants, and one ensign, to command the company of men to be raised in such district; that the chaplain to each regiment be appointed by the field-officers and captains of such regiment; that the adjutant, quarter-master, and serjeant-major, be appointed by the commanding-officer of the regiment, the surgeon by the field-officers and captains, and the surgeons mates by the surgeon himself, with the approbation of the commanding officer of the regiment.

Colonel of 1st regiment allowed a secretary. *And be it farther ordained*, That the commanding-officer of the first regiment shall be allowed a secretary, to be appointed by him, who shall be allowed four shillings a day for his services.

Enlistments, to be in districts. And that the levy of the soldiers may be made general throughout the colony, and the better to avoid irregularity and confusion, *Be it farther ordained*, That the deputies of each district, except the counties of Accomack and Northampton, having appointed one captain, two lieutenants, and one ensign, as aforesaid, the said officers shall proceed, with the utmost expedition, to enlist within their respective districts their several companies, which are to consist of sixty eight men each; but the said officers shall not go into any other district to complete their company, until the officers in such other district have made up their company, nor, in that case, without the permission, in writing, of the committee of the county first had and obtained.

Regulations for mustering and inspecting. And as well to prevent the enlistment of such men as are unfit for service, as to fix the rank of such officers, *Be it farther ordained*, That the deputies of each dis-

trict shall appoint one certain place of rendezvous within their district, whither the captain of each company, as soon as it is complete, shall resort with his men, and shall give immediate notice thereof to the chairman of the committee of deputies, who is required forthwith to summon all the members of the said committee, who, or a majority of them, being present, shall either proceed themselves to review the said company, or appoint any number of their members, not under three, for that purpose: And if it shall appear to such committee of deputies that the company is complete, of able and proper men, and that they have been regularly enlisted, according to the terms and regulations prescribed by this ordinance, the said deputies shall order and direct the captain immediately to march with his company to the place of general rendezvous, hereafter to be appointed, and, moreover, shall grant to the said captain a certificate of the day when the said company first appeared complete, at the particular place of rendezvous in the district; which certificate being produced to the general committee of safety, the said committee shall cause the same to be entered in a book to be kept for that purpose, and shall cause the like certificates, from all the other district committees, to be entered in the same manner: And when all such certificates shall be returned, the same committee of safety, or the majority of those present, shall, and they are hereby required, to grant commissions, under their hands, to the officers of the several companies, according to their several appointments, fixing their ranks of seniority and precedence according to the priority of the completion of their several companies, certified as aforesaid; and if it shall appear, upon the examination of such certificates, that two or more of the companies appeared at the district rendezvous on the same day, the said committee of safety shall, in such case, determine the right of seniority and precedence amongst the several officers, by a fair and impartial ballot.

Commissions and ranks of officers according to priority in completing their companies.

And be it farther ordained, That in case any vacancies shall happen, by deaths or otherwise, amongst the commissioned officers, the same shall be supplied, from time to time, by regular succession, in course of seniority, in the respective regiments and companies; and in case of a defect of officers to supply such succession, the commanding-officer of the regiment shall appoint

Vacancies in officers how supplied.

the most proper person, in his opinion, to supply such vacancy, to be approved by the committee of safety.

In privates.

And that the companies may be kept complete from time to time, *Be it farther ordained*, That if vacancies should happen among the private men, the commanding-officer of the regiment shall supply the same by new recruits, in the best and most expeditious manner he may be able.

Terms of enlistment.

And be it farther ordained, That the soldiers to be raised shall be enlisted on the terms following, to wit: That they shall continue in the service of the publick so long as may be judged necessary by the general convention, but not be compelled to continue more than one year, provided any soldier, or soldiers, do give the commanding-officer three months previous notice, in writing, of his or their desire to be discharged at the end of such period; and if it shall be judged necessary to disband the army before the expiration of twelve months, that each soldier discharged within that time shall be entitled to, and shall receive, six weeks pay in advance. That the pay of each captain, lieutenant,

Pay when to commence.

and ensign, shall commence the days of their appointment by the district committees; of the chaplain, and all the subaltern officers, on the days of their respective appointments; of the common soldiers, on the days of their enlisting; and that the pay of the several field and staff officers shall commence on the day of their being called into duty by the general committee of safety; and that the several recruiting officers may advance to each soldier, upon his enlisting, any sum he may think necessary, not exceeding one month's pay.

Who may not be enlisted.

Provided always, That no recruiting officer shall be allowed to enlist into the service any servant whatsoever, unless he be an apprentice, bound under the laws of this colony, nor any such apprentice, unless the consent of his master be first had in writing.

Arms and accoutrements, how furnished.

And be it farther ordained, That the soldiers to be enlisted shall, at the expense of the publick, be furnished each with one good musket and bayonet, cartouch box, or pouch, and canteen; and, until such musket can be provided, that they bring with each of them the best gun, of any other sort, that can be procured; and that such as are to act as rifle-men bring with them each one good rifle, to be approved by their captain, for the use of which he shall be allowed at the rate of twenty shillings a year; that each common soldier, not already

sufficiently provided, in the opinion of his commanding-officer, shall be furnished with sufficient clothing, at the expense of the publick, to be deducted out of his pay.

And be it farther ordained, That the companies to be raised in the districts of Pittsylvania, Fincastle, Bedford, and Botetourt, and of Berkeley, Frederick, Dunmore, and Hampshire, Augusta, Albemarle, Buckingham, and Amherst, Culpeper, Fauquier, and Orange, shall consist of expert rifle-men; and shall be, by the committee of safety, allotted two to each regiment, to be employed as light infantry. Rifle-men.

And be it farther ordained, That proper medicine chests, and necessary surgeons instruments, be provided at the expense of the publick. Medicines, &c. provided by public.

And for the better protection and defence of the inhabitants on the frontiers of this colony, *Be it farther ordained, by the authority aforesaid,* That there shall be appointed and raised, exclusive of the regiments before-mentioned, two companies, consisting each of one captain, three lieutenants, one ensign, four serjeants, two drummers, and two sifers, and one hundred men rank and file, to be stationed at Pittsburg; of which the company ordered by this convention to garrison fort Pitt, under the command of captain John Neavill, shall be one; also one other company, consisting of a lieutenant, and twenty five privates, to be stationed at fort Fincastle, at the mouth of Weeling; the other company, of one hundred men, and the twenty five men to be raised in West Augusta, also one other company, consisting of one captain, three lieutenants, one ensign, four serjeants, two drummers, and two sifers, and one hundred privates, to be raised in the county of Botetourt, and stationed at Point Pleasant, at the mouth of the great Kanawah; and one other company, consisting of the same number of officers and men as the last, to be raised in the county of Fincastle, and stationed at such posts as may, from time to time, be ordered and directed by the committee of that county. Two companies for protection of western frontiers.

And be it farther ordained, That the committees of the district of West Augusta, and of the counties of Botetourt and Fincastle, shall appoint the officers to the men in each to be raised; and the several companies last mentioned shall be enlisted in the same manner, and under the same regulations, as are before prescribed for the regiments, except that such companies are Officers how appointed.

not to march to the general rendezvous which may be appointed for the said regiments.

Chief in
command.

And be it farther ordained, That the commanding-officers to be stationed at Point Pleasant, and Fort Fincastle, shall be under the direction of, and subject to, such orders as they may from time to time receive from the commanding officer at Fort Pitt.

Pay of offi-
cers and pri-
vates.

And for settling the pay of the officers and soldiers to be appointed and levied as before directed, the same is declared to be as followeth, to wit: To a colonel, twenty five shillings per day; lieutenant-colonels, twelve shillings and sixpence; to a major, ten shillings; a captain, six shillings; a lieutenant, four shillings; an ensign, three shillings; chaplain, ten shillings, an adjutant, holding no other office, six shillings; if in other office, three shillings; to a quarter-master, holding, or not holding, any other office, the same as to an adjutant; to a serjeant-major, to be appointed from amongst the most expert serjeants, by the commanding-officer of the regiment, two shillings and sixpence; to a serjeant, two shillings; a corporal, drummer, and fifer, each one shilling and eightpence; to each private soldier, one shilling and four pence; to a surgeon, ten shillings; and to a surgeon's mate, five shillings per day.

Pay of staff.

Tents.

And be it farther ordained, That every commissioned and staff officer shall be allowed a tent, and every two serjeants shall have the same allowance, and every two corporals the same; and that for every six private men there shall be provided a proper and sufficient tent; and that one bell tent for each company shall also be provided, at the public expense.

Pensions.

And for the greater encouragement and farther promotion of the service, *Be it ordained,* That if any person enlisted by virtue of this ordinance shall be so maimed or disabled as to be rendered incapable of maintaining himself, he shall, upon his discharge, be supported at the expense of the publick.

Camp equi-
page, provi-
sions, &c.
how provi-
ded.

And to the end that the forces to be raised may be well and speedily supplied with waggons, tents, bedding, arms, accoutrements, clothes, provisions, and all other necessaries, *Be it farther ordained,* That the committee of safety shall, and they are hereby required, to appoint some fit person, or persons, to provide arms and accoutrements, clothes, waggons, tents, and bedding, upon the best and cheapest terms, and also to appoint one or more commissaries or contractors; who

are hereby required to use all possible despatch in purchasing such provisions as shall be necessary for the army, and in laying of the same in such convenient place, or places, as may best suit their different stations and marches.

And for the more regular pay of the army, the said committee of safety shall appoint one or more paymasters; and it shall and may be lawful for the said committee, from time to time, to issue their warrants to the treasurer, appointed by or pursuant to an ordinance of this convention, for the paying the several recruiting officers, commissioners, commissaries, or contractors, and paymasters, by them appointed; and to all expresses, and other persons by them employed in lesser services, so much money as the said committee shall judge necessary for their several purposes, taking proper security for the due disbursement and application thereof, and making a proper and reasonable allowance to the several persons so to be appointed for their trouble and expenses in conducting either branch of business to him or them assigned. And the said committee shall have full power and authority to displace and remove from his office any person so by them appointed, either for misconduct or neglect of duty. And the said treasurer is hereby required to pay all such sums as he may be directed by such warrant, out of the publick money in his hands.

Paymasters,
their ap-
pointment
and duty.

And be it farther ordained, That the said committee of safety shall have full power and authority, at such times and places as they may think convenient and necessary, to call all persons, who may receive any publick money for carrying into execution the purposes of this ordinance, to a strict account; and upon examining their accounts, and finding them justly stated, to certify the same, and, if necessary, to give proper acquittals and discharges.

Power of
committee
of safety.

And whereas it may be necessary, for the public security, that the forces to be raised by virtue of this ordinance should, as occasion may require, be marched to different parts of the colony, and that the officers should be subject to a proper controul, *Be it ordained, by the authority aforesaid,* That the officers and soldiers under such command, shall in all things, not otherwise particularly provided for by this ordinance, and the articles established for their regulation, be under the con-

Army sub-
ject to con-
troul of gen-
eral commit-
tee of safety.

troul, and subject to the order, of the general committee of safety.

Minute men
how organ-
ized, out of
the militia.

And whereas it is judged necessary, for the better protection of the country in times of imminent danger, that certain portions of the militia throughout the whole colony should be regularly enlisted, under the denomination of minute-men, and more strictly trained to proper discipline than hath been hitherto customary, and, to this end, that the whole colony should be divided into proper and convenient districts:

Colony di-
vided into
districts.

Be it therefore ordained, by the authority aforesaid, That this colony be immediately formed and divided into sixteen districts, in the following manner, to wit: One district to include the counties of Accomack and Northampton; one other, the counties of Princess Anne, Norfolk, the borough of Norfolk, and the counties of Nansemond and Isle of Wight; one other, the counties of Southampton, Sussex, Surry, Brunswick, Prince George, and Dinwiddie; one other, the counties of Mecklenburg, Lunenburg, Charlotte, Halifax, and Prince Edward; one other, the counties of Amelia, Chesterfield, and Cumberland; one other, the counties of Henrico, Hanover, Goochland, and Louisa; one other, the counties of Pittsylvania, Fincastle, Bedford, and Botetourt; one other, the counties of Buckingham, Amherst, Albemarle, and Augusta; one other, the counties of Elizabeth City, Warwick, York, James City, the city of Williamsburg, and the counties of Charles City and New Kent; one other, the counties of Gloucester, Middlesex, Essex, King and Queen, and King William; one other, the counties of Lancaster, Northumberland, Westmoreland, and Richmond; one other, the counties of Culpeper, Orange, and Fauquier; one other, the counties of Caroline, Spotsylvania, King George, and Stafford; one other, the counties of Prince William, Fairfax, and Loudoun; and one other district to include the counties of Berkeley, Frederick, Dunmore, and Hampshire; and the inhabitants of West Augusta are to compose one entire district.

Regiment to
be raised in
district of
Accomack
and North-
ampton.

And be it farther ordained, That within the district containing the counties of Accomack and Northampton there shall be forthwith raised one regiment, consisting of six hundred and eighty men, from the ages of sixteen to fifty, to be divided into ten companies, sixty eight each rank and file, to be under the command of a colonel, lieutenant-colonel, and major, ten captains, twen-

ty lieutenants, ten ensigns, thirty serjeants; and each company shall be allowed a drummer and fifer, and the said regiment shall be allowed a chaplain, adjutant, quarter-master, surgeon, two surgeons mates, and a serjeant-major, as hereafter directed.

And be it farther ordained, That within each of the other districts there shall be immediately enlisted one battalion, consisting of five hundred men rank and file, from the age of sixteen to fifty, to be divided into ten companies of fifty men each, who are to be under the command of a colonel, lieutenant-colonel, and major, ten captains, ten lieutenants, ten ensigns, and twenty serjeants; each company to be allowed a drummer and fifer, and the battalion to be allowed a chaplain, adjutant, quarter-master, surgeon, two surgeons mates, and a serjeant-major, as hereafter directed.

And be it farther ordained, That the colonels, lieutenant-colonels, majors, captains, lieutenants, ensigns, and commissaries of musters, for the said regiment, and the several battalions, shall be appointed in the following manner, to wit: The committees of the counties of Accomack and Northampton shall each appoint six of their members as deputies to meet in one general committee, at such time and place as shall be appointed by the chairman of the committee of the said county of Accomack, which place shall be most central and convenient for the meeting of such deputies, and notice thereof shall be given by such chairman to the chairman of the committee of the said county of Northampton, at least ten days before the time of meeting; which deputies having met, according to such appointment, shall settle the number of minute-men to be enlisted in each county, and shall proceed to the choice of the several officers aforesaid. And to prevent inconveniencies which may arise from the deputies so to be appointed not being able to attend, the committee of each county shall appoint six others of their members to supply the places of such as are first named, and whose attendance at the general committee may be prevented by sickness or any other accidents.

And be it farther ordained, That the committees of the several counties of Elizabeth City, Warwick, York, James City, Charles City, and New Kent, shall in like manner appoint four of their members, and the committee of the city of Williamsburg two of their members, as deputies to meet in the general committee for

their district; that the committees of the several counties of Princess Anne, Norfolk, Nansmond, and the Isle of Wight, shall in like manner appoint four of their members, and the committee of the borough of Norfolk two of their members, to meet in one general committee for that district; and that the committees of the several other counties shall in like manner appoint three of their members, as deputies to meet in one general committee for their respective districts; which respective committee of deputies shall meet at such time and place as shall be appointed by the chairman of the committee of the county first named in such district, the place to be most central and convenient, and ten days notice at least of the time and place to be given by such chairman to the chairman of the several committees of the counties and corporations within the district: And the committee of deputies, having so met, shall settle the number of minute-men to be enlisted in each particular county, city, or borough, and shall appoint the same officers as are directed for the district of Accomack and Northampton, having regard to the difference of numbers, as before directed.

Vacancies in
deputies,
how supplied.
ed.

And to prevent the inconveniences which may arise from the inability of any of the deputies to attend the general committee, *Be it further ordained*. That the committees of each particular county, city, or borough, at the time of nominating such deputies, shall appoint three others of their members to supply the places of such of their deputies as may be prevented from attending the general committee of delegates, by sickness, or any other accident.

Chaplain and
other staff,
how appointed.

And be it farther ordained, That the chaplain, adjutant, quarter-master, surgeon, and serjeant-major, shall be appointed by the field-officers and captains of each district, and the surgeons mates by the surgeon himself, with the approbation of the commanding-officer of the district. The surgeon to each battalion is to be previously engaged, but not paid except when he is attending the battalion, which shall be as often as they shall be called together upon training duty, or actual service; and the surgeons mates to be in pay only when the battalion is called into actual service; and the chaplains and quarter-masters are to attend their respective battalions wherever they may be stationed.

And be it farther ordained, That the several officers appointed for that purpose shall immediately proceed

to enlist the minute-men within their respective counties, city, or borough; and the said officers shall not go into any other county, city, or borough, to complete their quotas, until the officers in such other county, city, or borough, have completed their quotas, nor, in that case, without the permission of the committee of such other county, city, or borough, in writing, first had and obtained.

Enlistments of minute-men, how made.

And as well to prevent the enlistment of such men as are unfit for service, as to fix the ranks of the officers of the several companies, *Be it farther ordained*, That the committee of each county, city, and borough, shall appoint one certain place of rendezvous within their county, city, or borough, whither the captain, and other officers, of each company, as soon as the same is complete, shall resort with their men, and give immediate notice thereof to the chairman of the committee, who is required to summon all the members of the said committee; who, or a majority of them, being present, shall either proceed themselves to review the said company, or appoint any number of their members, not under three, for that purpose. And if it shall appear to such committee that the company is complete, of able and proper men, and that they have been regularly enlisted, according to the terms and regulations prescribed by this convention, the said committee shall grant to the captain a certificate of the day when the said company first appeared complete, at the particular place of rendezvous in the county, city, or borough; which certificate being produced to the general committee of safety, the said committee shall cause the same to be entered in a book to be kept for that purpose, and shall cause the like certificate from the other counties, city or borough committees, to be entered in the same manner. And when all such certificates shall be returned, the said committee of safety, or a majority of those present, shall, and they are hereby required, to grant commissions, under their hands, to the officers of the several companies, according to their several appointments, fixing their rank of seniority and precedence according to the priority of the completion of their companies, certified as aforesaid; and if it shall appear, upon examination of such certificate, that two or more of such companies appeared complete at the rendezvous of the county, city, or borough, on the same day, the said committee of safety shall, in such case, de-

Regulations for mustering and inspecting.

Commissions and rank of officers according to priority in completing their companies.

termine the right of seniority and precedence, by a fair and impartial ballot.

Rank of field
officers, how
settled.

And for settling the rank of the field-officers, the committee of delegates in each district shall certify the day when the battalion in each district appeared completely embodied; and the committee of safety, upon receipt of such certificate, shall grant commissions to and fix the ranks of such officers, in the same manner as is directed in respect to other officers.

Arms, &c.
how provid-
ed.

And be it farther ordained, That each minute-man so to be enlisted shall be furnished with proper arms at the publick expense, and until such can be provided shall bring into service the best gun that he can procure; and for every good rifle, to be approved by the respective captains, there shall be allowed to the owner making use of the same at the rate of twenty shillings a year; and moreover, there shall be provided at the expense of the public, for every minute-man not already furnished, one hunting shirt and pair of leggins.

Tents.

And it is hereby ordained, That a tent for every commissioned and staff officer, one for every two serjeants, one for a drummer and fifer, one bell tent for every company, and one for every six men, shall be provided at the expense of the publick.

Minute-men
how trained,
by compa-
nies and bat-
talions.

And be it farther ordained, That the minute-men in each respective district, so soon as they are enlisted, and approved, as before directed, shall be embodied, and formed into separate battalions, and shall be kept in training under their adjutant for twenty successive days; at such convenient place as shall be appointed by the committee of deputies in each district; and, after performing such battalion duty, the several companies of each battalion shall in their respective counties be mustered, and continue to exercise four successive days in each month, except December, January, and February, at such times and places as shall be appointed by their respective captains, care being taken that such appointments do not interfere with battalion duty.

Further
training by
battalions.

And be it farther ordained, That, in order to render them the more skilful and expert in military exercise and discipline, the several companies of minute-men shall twice in every year, after the exercise of the twenty days, be again embodied, and formed again into distinct battalions within their districts, and shall at each meeting continue in regular service and training for twelve successive days, at such convenient places with-

in each district as shall be appointed by each committee of deputies, and at the stated times following; to wit: The district of Princes Anne, &c. to begin the first day of May, and the fifteenth of October; that of Elizabeth City, &c. on the fourth day of May, and the twentieth day of October; that of Southampton, &c. on the fourth day of May, and twentieth of October; that of Mecklenburg, &c. on the sixth day of May, and twenty second of October; that of Amelia, &c. on the tenth day of May, and twenty fourth of October; that of Henrico, &c. on the twelfth day of May, and twenty sixth of October; that of Buckingham, &c. on the fifteenth day of May and twenty sixth of October; that of Pittsylvania, &c. on the twentieth day of May, and thirtieth of October; which are to be considered as forming the general southern district.

And be it farther ordained, That the several districts containing the counties of Accomack, Gloucester, Lancaster, Caroline, Culpeper, Prince William, Berkeley, and West Augusta, shall meet in battalion on the same days before-mentioned, beginning with Accomack, and proceeding in regular order, as herein arranged; which last mentioned districts are to be considered as forming the general northern district.

Provided always, That if either of the days before-mentioned should happen to be on a Sunday, the time of beginning the exercise shall be on the day succeeding.

And be it farther ordained, That the officers and minute-men shall be allowed one day's pay for every twenty miles travelling to the place appointed for the general rendezvous of the several battalions, and the same for returning home; and moreover, sixpence per day in lieu of provisions. And the several battalions, whilst they continue on duty, shall be furnished with proper and necessary provisions, to be provided by a commissary or contractor, to be appointed in each district by the committee of deputies, whose duty it shall be to provide necessaries for the battalion of his district, or any detachment therefrom in their march, in case they should be called to service in any other part of the country; and the officers and minute-men in the several companies of each battalion shall be also allowed sixpence per day each, besides their pay, for the four days they shall exercise in their respective counties, in lieu of provisions.

Fines for delinquencies.

And be it farther ordained, That every officer of minute-men who shall absent himself either from battalion duty or the private musters, in their counties, without sufficient excuse, to be judged of and allowed by a court-martial, shall be subject to the following fines, to wit: The colonel, for every day's absence from battalion duty thirty shillings; the lieutenant-colonel, twenty five shillings; the major, twenty shillings; a captain, twelve shillings; a lieutenant, eight shillings; and ensign, six shillings; a serjeant, five shillings; a corporal, drummer, and fifer, four shillings; and each private minute-man three shillings; an adjutant, twenty shillings; a quarter-master, twelve shillings; and a serjeant-major, six shillings. And for non-attendance at private musters, without a sufficient excuse, to be allowed as aforesaid, the officers and minute-men shall, for every day's absence, be subject to the following fines, to wit: a captain, twelve shillings; a lieutenant, eight shillings; and ensign, six shillings; a serjeant, five shillings; a corporal, drummer, and fifer, four shillings; and each private minute-man, three shillings. The several fines above-mentioned to be imposed by a court-martial, to consist of the field officers and captains of the district, or any seven of them, whereof a field officer shall be one, and deducted out of the pay of the delinquent, if so much shall be due to him; if not, to be levied on his estate, in manner as directed for fines imposed on the militia. And if any officer or soldier, during the time of his attendance on training duty, in battalion or companies, as herein directed, shall refuse to obey the commands of his superiour officer, or behave himself mutinously or refractorily, or shall in any other manner transgress the rules of good order and decency, every such offender shall or may be confined, for any time not exceeding twenty four hours, or fined, in any sum not exceeding one month's pay, as shall be determined by the judgment of a court-martial, to be held as aforesaid; the fines to be deducted, or levied, as before directed.

Leave of absence.

Provided always, That the commanding officer or captain of any company may, when occasion shall require, give leave of absence to any inferiour officer or minute-man; but they shall not be entitled to pay during such absence.

Minute men, how long to serve.

And as well for the ease of the minute-men, as that they may be returned in regular rotation to the bodies

of their respective militias, *Be it farther ordained*, 'That after serving twelve months sixteen minute-men shall be discharged from each company by the commanding-officer or captain of the company, and the like number at the end of every year, beginning with those who stand first on the roll, and who were first enlisted; and if those who stand first should choose to continue in the service, taking the next in succession desirous of being discharged, and so from time to time proceeding in regular progression.

To be discharged in rotation.

Provided, That the officer shall not have it in his option to discharge a less number than sixteen in every year, whose places shall be supplied by new enlistments, to be taken in the manner first directed.

And for the more regular pay of the battalions, *Be it farther ordained*, That one paymaster shall be appointed by the committee of safety for each of the sixteen districts; and the pay of the officers and soldiers, when on duty in their counties, or in battalion, or when drawn out into actual service, shall be as followeth, to wit: To a colonel, fifteen shillings per day; a lieutenant-colonel, twelve shilling and sixpence; a major, ten shillings; a captain, six shillings; a lieutenant, four shillings; an ensign, three shillings; a serjeant, two shillings; corporal, drummer, and fifer, each one shilling and eightpence; and a private man, one shilling and four pence per day; a chaplain, ten shillings per day; a surgeon, when the battalion is in training duty, or actual service, ten shillings per day; a surgeon's mate, five shillings; an adjutant, holding no other office, six shillings; if in other office, three shillings; a quarter-master to be appointed, and allowed the same as an adjutant; a commissary of musters to each battalion, appointed by the committee of deputies, ten shillings per day, for each day of his attending the battalion, or separate companies; and to a serjeant-major, to be chosen by the commanding-officer out of the most expert serjeants, two shillings and sixpence per day.

Pay of minute-men.

And be it farther ordained, That the pay of the several officers and minute-men in each district shall commence from the completion of their respective battalions, and their meeting at the general rendezvous to be appointed as aforesaid.

When to commence.

And be it farther ordained, That the exercise to be performed throughout the several battalions and com-

Exercise of 1764 adopted.

panies shall be that recommended by his majesty in the year 1764.

Adjutant-general, his appointment and duty.

And be it farther ordained, That there shall be appointed by the general convention one adjutant-general to the regular forces, who shall rank as youngest lieutenant-colonel; whose business it moreover shall be, once in twelve months, to visit the several particular districts arranged as aforesaid in the two general southern and northern districts, to superintend the conduct of the different adjutants, and see that they do their duty in their several departments, and also to take particular care that there is a due conformity in their exercise and evolutions, so that when the different battalions join in brigades there may be no mistake nor confusion: Of all which the adjutant general shall, once in every year, make a full report to this convention, and for his trouble and expenses in travelling he shall be allowed twelve shillings and sixpence per day.

Volunteers disbanded.

And be it farther ordained, That the several volunteer companies, raised in pursuance of the resolutions of a former convention, shall be disbanded, as soon as the battalions in the several districts where the said volunteer companies respectively reside are fully and completely embodied.

Proviso

Provided, That any officer or volunteer of the said companies may be, if approved, appointed to any office in the companies or battalion of minute-men, or enlist as private minute-men in such companies.

Impressments, how made.

And be it farther ordained, That the commanding-officer of the regulars, or any battalion, where occasion requires, shall grant one or more warrants for impressing any carts, waggons, horses, boats, or other necessities which may be requisite, from time to time, for publick service; and the person receiving such warrant shall cause every article so impressed to be fairly appraised by two different freeholders, who are most convenient to the place of impressment, to be chosen by him and the owner of such article, his steward, or overseer; and in case the two appraisers so chosen should disagree, they shall choose an umpire; which appraisers and umpire shall first take an oath, to be administered by the officer ordering such impress, or any justice of peace in the county, that they will make a true and just appraisement; and the valuation or hire of such article or articles so impressed shall be paid by the publick, as justice may require. And moreover, the commanding-

officer of the regulars, or battalions, shall have power to issue his warrant for impressing any artificers that may be judged necessary for the public service; and if their wages cannot be agreed on, the same shall be settled in the manner last mentioned.

And whereas the counties of Accomack and Northampton, from their particular situation, are exposed to many dangers, *Be it farther ordained*, That the committee of deputies, if they judge it necessary, may keep two of the companies to be raised in their district in constant training, at the expense of the publick, in the same manner as directed for the regulars.

Accomack
and North-
ampton may
keep two
companies.

And be it farther ordained, That the field-officers and captains of the regular forces, in case of any invasion or insurrection in any quarter where they may be stationed, shall immediately give notice to the captains or their superiour officers of the minute-men residing in the next adjacent county, who shall, with all expedition, march the men under their command to the place of danger; and such officers not being the first in command in the district shall immediately give notice to the commander in chief of the districts, that they may judge what is farther necessary to be done. And moreover, the field-officers and captains of the regiments, at the time of their summoning in the minute-men, shall immediately give notice thereof to the president of the committee of safety, who is hereby required, without loss of time, to summon the said committee, that they may give such farther necessary orders and instructions as the exigency of affairs may require.

Regulars
and minute-
men when
to act in con-
cert.

And be it farther ordained, That every officer of the minute-men receiving notice from any other officer of the minute-men, in any other county than that wherein the regular forces are stationed, of any invasion or insurrection, shall forthwith raise the men under his command, and send intelligence to the commanding-officer of the minute-men of that county, and also the commanding-officer of the militia, or, being himself commanding-officer of the minute-men of that county, shall immediately raise the men under his command, and proceed to oppose the enemy, taking care to despatch intelligence to the commanding-officer of the district, and also to the officer of the minute-men in the next adjacent county, who is to proceed in the same manner as the officer first receiving such intelligence is directed to do. But the several officers of the minute-men thus to

Duty of offi-
cers of mi-
nute men;

and of the
militia.

be raised shall be subject to such farther directions and instructions as shall be given them either by the committee of safety, or a council of field-officers and captains, to be held for that purpose. And the commanding-officer of the militia receiving such intelligence shall immediately summon a council of his field-officers and captains, to consider and determine whether it is necessary to march his militia, or what part thereof, to the place of danger, and act according to their decision; giving immediate notice, if the importance of the case, in the opinion of the said council of war, shall require it, to the general committee of safety, whose orders and directions the said commanding-officer and his militia are hereby directed to obey.

Rank of officers, when united in service.

And for settling the proper rank amongst the officers, as well of the regulars, as of the minute-men and militia, whenever they are joined in actual service, *Be it further ordained*, That in such case the several officers of the regulars shall take rank of the minute-men of the same rank, and the officers of the minute-men shall take rank of the officers of the militia of the same rank; but the minute-men shall not be under the command of the militia officers, nor the militia under the command of the minute officers, unless drawn out upon duty together.

Proviso.

Provided, That when the county-lieutenant is called out with his militia, in junction with the regulars or minute-men, he shall rank as a colonel; and the colonels, if their county-lieutenants be present, shall rank as lieutenant-colonels only; and the lieutenant-colonels as majors, in case of the presence of their county-lieutenant and colonel.

Fines, for delinquencies.

And be it farther ordained, That every officer or militia man, and every officer and minute-man, who shall refuse, or unreasonably delay, conforming to the above directions, in every particular, shall, for every refusal or delay, forfeit and pay the several sums following, to wit: Every lieutenant of a county the sum of two hundred pounds, every colonel two hundred pounds, every lieutenant-colonel (either of the minute-men or militia) the sum of two hundred pounds, every major of the minute-men or militia the sum of one hundred pounds, every captain the sum of seventy five pounds, every lieutenant the sum of fifty pounds, every ensign the sum of ten pounds, every serjeant and corporal the sum of five pounds; and every soldier or minute-man failing to

appear, and not bringing with him his arms, shall forfeit and pay the sum of five pounds. Every delinquency of officers in the above respects to be judged of, and the said fines to be imposed, by a general court-martial; and if any officer shall refuse or neglect to pay the said fine, within one month, he shall be cashiered, and moreover be liable to a stoppage of his pay, towards discharging the said fine.

Assessed by
court-mar-
tial.

Provided, That if any officer shall think himself aggrieved by the sentence of such court-martial, he may appeal to the committee of safety, whose judgment shall be final; and every private soldier, or minute-man, refusing or neglecting to pay the same, or to give security to pay the same in one month after conviction, shall be subject to such corporal punishment as may be inflicted by a court-martial, not extending to life or member.

Appeal to
committee
of safety.

And be it farther ordained, That the commander in chief shall have power, as occasion may require, to appoint one brigade-major, to be approved by the committee of safety; and such brigade-major shall be allowed six shillings for every day he is employed on duty.

Brigade ma-
jor.

And be it farther ordained, That the committee of safety shall, and they are hereby empowered, to provide proper winter-quarters for the regular soldiers, and minute-men when called into actual service, as they may see occasion, and issue their warrants from time to time for the payment of the same.

Winter
quarters,
how provid-
ed.

And whereas, by the expiration of several of our militia laws, and the act of our general assembly making provision against invasions and insurrections, which there is little prospect of having revived in any reasonable time, it is judged necessary, in the present time of danger, that the remainder of the militia not included in the minute-men should be armed, accoutred, trained, and disciplined, in the best manner the circumstances of the country will admit of, *Be it therefore ordained*, That in each county within this colony there shall be a county-lieutenant, colonel, lieutenant-colonel, and major, to be commissioned by the committee of safety upon the nomination of the committees of the respective counties; that all free male persons, hired servants, and apprentices, above the age of sixteen, and under fifty years, except such as are hereafter excepted, shall be enlisted into the militia by the commander in chief of

Militia offi-
cers, how
nominated
and commis-
sioned.

Who liable
to militia
duty.

the county, and formed into companies of not less than thirty two, nor more than sixty eight, rank and file, to be placed under one captain, one lieutenant, and one ensign, all of whom shall be commissioned by the committee of safety, upon the nomination of the committees of the counties as aforesaid. And the commander in chief of each county shall, within three months after passing this ordinance, deliver to each captain a list of the names of the men appointed for his company; and every captain receiving such list shall summon his company to meet him within a fortnight, at such convenient time and place as he may appoint, in order to lay a proper foundation for training and disciplining them in the most effectual manner.

How enrolled.

Who exempted.

Provided, That the members of his majesty's council, and the committee of safety, the president of the convention, treasurer, attorney-general, auditor, clerk of the council, clerk of the secretary's office, clerk of the general convention, and clerk of the committee of safety (each of which exempts furnishing a stand of arms for a soldier) all clergymen and dissenting ministers, the president, professors, students, and scholars, of William and Mary college, the keeper of the publick jail, all overseers of four tithables residing on a plantation, and all millers, and persons concerned in iron works, shall be exempted from such enlistment.

Fine on colonel for neglect.

And be it further ordained, That if any commander in chief of any county shall fail to do his duty as above directed, he shall forfeit and pay the sum of two hundred pounds.

Arms, &c. to be furnished by militia.

And be it farther ordained, That every militia man so to be enlisted shall furnish himself with a good rifle, if to be had, or otherwise with a tomahawk, common firelock, bayonet, pouch, or cartouch box, three charges of powder and ball, and appear with the same at the place appointed for mustering, and shall constantly keep by him one pound of powder and four pounds of ball, to be produced whenever called for by his commanding-officer.

Exceptions.

Provided always, That no person shall be subject to the penalties hereby inflicted, for the not providing or producing the quantity of powder required, who shall make it appear to the court-martial that he has used his best endeavours to procure such powder, and hath not been able so to do; also, that if it be certified by a court-martial that any soldier enlisted is so poor as not

to be able to purchase the arms aforesaid, then such arms shall, by order of the committee of the county, be procured so soon as may be, at the expense of the publick. And if any person shall presume to sell or buy any arms thus provided, he shall forfeit and pay the sum of six pounds; and all arms so purchased and delivered to any such poor soldier shall on his death, or removal out of the county, be delivered to the chief officer of the militia in the county, or to the captain or the company to which such poor soldier did belong, to be by such officer delivered to any other poor soldier whom the commanding-officer shall adjudge unable to provide himself with arms as aforesaid.

And be it farther ordained, That there shall be a private muster of the several companies in each county once a fortnight, except in the months of December, January, and February, and the officers and soldiers shall be on the place appointed by ten o'clock, in the forenoon, and moreover, there shall be a general muster in every county, in the months of April and October in each year, and the officers and soldiers shall appear on the parade by eleven o'clock in the forenoon.

And be it farther ordained. That if any officer, when on duty, shall misbehave, he shall be subject to the censure of a court-martial, who shall, if they see cause, certify, such misbehaviour to the committee of the county, city, or borough, by whom such officer was nominated, who shall have full power to displace and remove such officer from his post, if they shall judge it expedient for the good of the publick; and if any soldier shall, at any general or private muster, refuse to obey the command of his officer, or shall behave himself refractorily and mutinously, or misbehave himself at a court martial, it shall and may be lawful for the commanding-officer then present to cause such offender to be tied neck and heels, for any time not exceeding five minutes.

And be it farther ordained, That every captain, or in his absence the next commissioned officer, shall make return of all delinquencies in his company, either at general or private musters, to the next court-martial; and the better to enable him so to do, the senior-serjeant being first sworn by a magistrate, shall act as clerk, and call over the roll at each muster. And the lieutenant, or other chief officers of the militia, shall and

Company
musters.

General
muster.

Misbehaviour, in officers and privates, how punishable

Delinquents,
how reported,

may order the other officers and soldiers under him to go armed to their parish churches on Sundays, and to any licensed meeting-houses, whenever he judges it necessary.

Courts martial when and how convened.

Their powers.

Clerk.

Fines, for delinquencies.

And be it farther ordained, That it shall and may be lawful for the field-officers and captains of every county, or the major part of them, whereof a field-officer shall be one, and they are hereby required, to meet at the courthouse of their respective counties the day next following the general muster in the months of April and October in every year, if fair, (if not, the next fair day) then and there to hold a court-martial; which court shall have power to adjourn from day to day, and to inquire of the age and abilities of all persons enlisted, and exempt such as they shall adjudge incapable of service, and of all delinquents returned by the captains for absence from musters, or appearing without arms, powder, or ball. And the said court, the better to conduct the business before them, shall and may appoint a clerk, to whom the president of the court shall administer an oath, well and faithfully to perform the duties of his office: and the said court shall allow such clerk, so appointed, such salary as they may judge his services entitle him to. And every county-lieutenant, or the next officer in command, if the lieutenant should be absent on necessary business, failing to appoint a general muster, as before directed, shall forfeit and pay one hundred pounds; and every colonel, lieutenant-colonel, or major, failing to appear with their proper arms at any general muster, shall forfeit and pay ten pounds; and every captain failing to muster and exercise his company once in every fortnight, except as before excepted, shall forfeit and pay forty shillings for every neglect; and failing to appear at any general muster, shall forfeit and pay fifty shillings. Every lieutenant failing to appear at any muster twenty shillings, and every ensign, for the like failure, the sum of twenty shillings; and every soldier not appearing, or appearing without proper arms, five shillings; or for not bringing with him three charges of powder and ball, three shillings; or failing to bring into the field, when required by his commanding-officer, one pound of powder, and four pounds of ball, five shillings. And every captain, or in his absence from muster the next commanding-officer, failing to return the list of the persons who shall not appear at muster to the courts-martial, or who shall

appear without proper arms, powder, and ball, shall forfeit and pay ten pounds; provided, if the person so failing shall, at the next court-martial, or in case of his inability to attend at the succeeding court-martial, offer a reasonable excuse for any such delinquencies, such excuse shall and may be admitted, and the party complained of discharged of all and every the penalties aforesaid. How excused.

And be it further ordained, That the captain of each company shall and may appoint one drummer and one fifer, who shall be paid for their attendance the same as is allowed in the minute service; and the said captains shall provide drums, fifes, colours, and halberds, at the publick expense, to be reimbursed out of the fines; and every clerk of a court-martial shall deliver a list of the fines imposed by the court-martial to the collector, within twenty days, under the penalty of one hundred pounds, to be imposed by the next succeeding court-martial. Drums, fifes, &c
List of fines.

And be it further ordained, That every officer of the militia within this colony shall, at all times that he acts on duty, at any private or general muster, appear armed in the following manner, that is to say: every county lieutenant, colonel, lieutenant-colonel, and major, with a sword, and every captain and lieutenant with a fire-lock and bayonet, and a sword, and three charges of powder and ball; every ensign with a sword; every serjeant and corporal with a sword and halberd, under the penalty of twenty shillings; all the said fines to be levied by a court-martial, and appropriated to the purchasing arms and ammunition for the use of such as are not able to procure the same. Officers, how armed

And be it farther ordained, That the soldiers shall be allowed six months after enlisting to provide themselves with arms, and in the mean time shall bring with them such arms as they have, under the penalty of five shillings, to be inflicted by a court-martial; and that all arms of the militia shall be exempted from executions or distresses, and all officers and soldiers shall be exempted from arrests in civil cases, during their continuance at, going to and returning from musters. Privates, when and how armed.
Arms exempted from executions, and officers and soldiers from arrests.

And be it farther ordained, That if any exempted miller or overseer shall presume to appear at any muster of the militia or minute-men, or in any muster-field, on the day on which such muster shall be appointed, the party so offending shall forfeit and pay twenty shil- Exempts not to appear at musters

Fines on infants and servants how paid.

lings, to be assessed upon him by the next court-martial, upon a certificate of the offence to them made, by the captain or chief officer present at such muster, or the information, on oath, of any person whatsoever, and levied, accounted for, and appropriated, in the same manner as the other fines ordered by the court-martial. And that all fines and penalties incurred by infants or servants, for breach or neglect of duty in any particular service by this ordinance required of them, shall be paid by the parent, guardian, or master, of such infant or servant; and if the breach or neglect of such servants is not occasioned by their masters influence or direction, then the fines incurred by them, and so paid by their masters, shall be repaid to their masters, by the farther service of such servants after the times they are bound to serve are expired.

Collectors of fines, penalties on.

And be it farther ordained, That if any collector, appointed by a court-martial, shall refuse to collect the fines imposed by such court-martial, after having undertaken the same, he shall forfeit and pay one hundred pounds; and if any collector refuses, or unreasonably delays, to pay all fines by him collected to the receiver who shall be appointed by a court-martial, he shall forfeit and pay double the amount thereof.

And be it farther ordained, That the several militia officers to be appointed, before they enter on the execution of their office, shall take the following oath, to be administered before the committee of the city, borough, or county, to wit:

Oath of militia officers.

I A. B. do solemnly swear, that I will be faithful and true to the colony and dominion, of Virginia; that I will well and truly execute the office of county-lieutenant of the county of _____ (or the office of _____ as the case may be) according to the best of my skill and judgment. *So help me God.*

And be it farther ordained, That every county-lieutenant, colonel, lieutenant-colonel, major, and captain, at the time of holding every court-martial, and before holding the same, shall take the following oath, which shall be first administered by the next in command to the presiding officer then present, and then be by him administered to the rest of the officers, to wit:

Oath of court martial.

I A. B. do swear, that I will do equal right and justice to all men, according to the ordinance of the general convention by which I am appointed to this office. *So help me God.*

And every person accepting a commission in the militia, who shall neglect or refuse to qualify himself to act under the same, by taking the oath before mentioned, at the next meeting of the committee of his county, city, or borough, after receiving his commission, every such person shall forfeit and pay the sum of five pounds. Penalty for neglect.

And be it farther ordained, That the fines imposed by this ordinance on the chief officer for not enlisting the men in his county, and on the commanding-officer present in the county for not appointing general musters, shall be to the use of the county, for providing arms, and shall and may be recovered before a court-martial. Fines, how appropriated.

And be it farther ordained, That all officers failing to attend a court-martial shall be subject to the same penalties as the chief officer for not appointing general musters; provided, if no court-martial is held immediately after the next general muster, then by the next succeeding court-martial. Fines for not attending courts martial.

Provided always, That nothing in this ordinance contained shall extend, or be construed to extend, to the inhabitants of the city of Williamsburg or borough of Norfolk, so as to oblige them to muster or serve in the militia out of the said city or borough; but that such inhabitants shall be enlisted and trained within the limits of the said city and borough, in the same manner as is directed by this ordinance, but under a colonel, a major, and the necessary number of captains and other officers, all of whom shall be nominated by the committees of the said city and borough respectively, and commissioned by the committee of safety. And the said militia officers, as well as soldiers, shall be liable to all the penalties before directed to be inflicted on the officers and soldiers in the counties, either for neglect of duty or misbehaviour, in any respect whatsoever, to be adjudged by the courts of hustings both in the said city and borough, without whose orders and directions neither of the said militias shall at any time be obliged to march out of the said city or borough. Exceptions as to Williamsburg and Norfolk.

And be it farther ordained, That the commanding-officer of the militia of every county, of the city of Williamsburg, and borough of Norfolk, shall appoint so many patrollers, as he may think fit, under proper captains, who shall receive a reasonable allowance for their trouble, at the laying of every county levy. Patrollers.

Quakers and
Menonists
exempted.

And be it farther ordained, That all quakers, and the people called Menonists, shall be exempted from serving in the militia, agreeable to the several acts of the general assembly of this colony made for their relief and indulgence in this respect.

Pay, &c. of
militia call-
ed into ac-
tual service.

And be it farther ordained, That if the officers and militia should at any time be called out into actual service, they shall be under the same rules and regulations, be subject to the same penalties, and shall receive the same pay, as are appointed, prescribed, and allowed, to and for the regulars and their officers.

Collectors of
fines, how
appointed.

And be it farther ordained, That the court-martial of every county, city, and borough, in this colony, shall appoint some person, not being a member of such court, to receive all the militia fines inflicted by this ordinance; who, before he enters into the execution of his office, shall give bond, with sufficient security, payable to the members of the said court, sitting at the time the same shall be entered into and taken, and their successors, with condition for the due payment of all monies that shall come to his hands by virtue of his said office, which bond shall not become void on the first recovery, but may be prosecuted and put in suit from time to time, by and at the cost and charges in the law of any party or parties injured, until the whole penalty therein mentioned shall be recovered. And if any receiver

Remedy
against.

hereafter to be appointed shall fail or delay to account with the court-martial, or to apply the money by him received as he shall be directed, after deducting at the rate of five per cent. which he shall be allowed for his trouble by the court-martial, that then, upon motion or complaint made to the county court, or court of hustings of the city of Williamsburg or borough of Norfolk, respectively, by any officer or soldier of the militia against such receiver, such court shall give judgment and award execution against him and securities, his executors, or administrators, for the same, and cause the money to be appropriated to the uses directed by this ordinance, in such manner as the court-martial shall appoint; provided, that such receiver, and his securities, their executors, or administrators, have ten days previous notice of such motion.

This ordi-
nance, how
published.

And be it farther ordained, That this ordinance shall, by command of each colonel, be publickly read at the head of his regiment, as soon as the same is embodied and formed, and once in six months thereafter, under

the penalty of one hundred pounds, to be paid by such colonel for every neglect; and the same shall also be publickly read at every meeting of a battalion of the minute-men in each district, and at every general muster, by the order of the colonel, county-lieutenant, or chief officer then present, under the penalty of one hundred pounds, to be paid by any such officer for every neglect.

And whereas it is declared by this ordinance, that When the four hundred and twenty five men, under proper offi- forces on the cers, shall be stationed at the several forts upon the western frontiers of this colony, *It is hereby ordained,* frontiers That as may be dis- soon as the treaty of peace shall be concluded with the banded. several tribes of Indians bordering on the western parts of this colony, it shall be in the power of the committee of safety, if the convention is not sitting, to disband the whole, or such part thereof as to them shall seem most expedient and consistent with the good of this colony.

CHAP. II.

An Ordinance for the better government of the forces to be raised and employed in the service of the colony and dominion of Virginia.

BE it ordained, by the representatives of the people in Convention assembled, and by the authority of the same, That the following rules and articles be established, that is to say:

Article I. That every officer and soldier who shall Articles of serve in the provincial army, either of regulars or mi- war. nute-men, shall, at the time of accepting his commission, and enlistment, subscribe the following rules and regulations, and thereafter be bound by the same; and moreover, every officer and soldier (except quakers, who are to make a solemn affirmation to the same effect) shall take the following oaths, to be administered by the committee of safety to the field-officers, by the respective county committees to the officers to be by

ORDINANCES OF CONVENTION,

them nominated, and by a justice of peace to any soldier, not under two days from the time of his enlistment, or a member of the committee of any county, city, or borough, where he may be enlisted.

OATH OF A COMMANDER IN CHIEF.

Oath of commander in chief.

I, A. B. do swear, that I will be faithful and true to the colony and dominion of Virginia; that I will serve the same to the utmost of my power, in defence of the just rights of America, against all enemies whatsoever; that I will, from time to time, obey such orders as I may receive from the general convention, or other authority by them appointed; and that I will disband all the forces under my command, and lay down my arms when required by the general convention, or the General Assembly, of Virginia.

So help me God.

OATH OF THE OFFICERS AND SOLDIERS.

Oath of officers and soldiers.

I, A. B. do swear, that I will be faithful and true to the colony and dominion of Virginia; that I will serve the same to the utmost of my power, in defence of the just rights of America, against all enemies whatsoever; that I will obey the orders of such officers who may be set over me, and lay down my arms peaceably when required so to do, either by the general convention, or the general assembly, of Virginia.

So help me God.

Article II. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers and soldiers who shall behave indecently and irreverently at any place of divine worship shall, if commissioned officers, be brought before a court-martial, there to be publickly and severely reprimanded by the president. If non-commissioned officers or soldiers, every person so offending shall, for the first offence, forfeit one day's pay; for the second offence, he shall not only forfeit the like sum, but be confined for any time not exceeding twenty-four hours; and for every other like offence shall forfeit and pay in like manner, to the use of the sick soldiers of the regiment to which the offender belongs.

Article III. Whatsoever commissioned or non-commissioned officers, or soldiers, shall use any profane oath or execration, shall incur the penalties expressed in the second article; and if a commissioned officer be

thus guilty of profane cursing or swearing, he shall forfeit for each and every such offence one day's pay. And whatsoever commissioned or non-commissioned officer, or soldier, shall practise any species of gaming, he shall, on being convicted thereof before a regimental court-martial, pay such fine, or suffer such punishment as may be inflicted by the said court.

Article IV. Any officer or soldier who shall behave himself with contempt or disrespect towards the generals, or general or commander in chief of the provincial forces, or shall speak false words, tending to his or their hurt or dishonour, shall be punished according to the nature of his offence, by the judgment of a general court-martial.

Article V. Any officer or soldier who shall begin, excite, cause, or join, in any mutiny or sedition, in the regiment or company to which he belongs, or in any other regiment or company of the provincial forces, either by land or sea, in any party, post, detachment, or guard, on any pretence whatsoever, shall suffer such punishment as by a general court-martial shall be ordered.

Article VI. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavours to suppress the same, or, coming to the knowledge of any mutiny, or intended mutiny, does not, without delay, give information thereof to the commanding-officer, shall be punished by order of a general court-martial, according to the nature of his offence.

Article VII. Any officer or soldier who shall strike his superiour officer, or draw, or offer to draw, or shall lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever, or shall disobey any lawful commands of his superiour officer, shall suffer such punishment as shall, according to the nature of his offence, be ordered by the sentence of a general court-martial.

Article VIII. Any non-commissioned officer or soldier who shall desert, or, without leave from his commanding-officer, absent himself from the company to which he belongs, or from any detachment of the same, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a general court-martial.

Article IX. Whatsoever officer or soldier shall be convicted of having advised or persuaded, any other officer or soldier to desert, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Article X. All officers, of what condition soever, shall have power to part and quell all quarrels, frays, and disorders, though the persons concerned belong to another regiment or company, and either order officers or soldiers to be confined and imprisoned, till their proper superiour officer shall be acquainted therewith; and whosoever shall refuse to obey such officer (though of an inferiour rank) or shall draw his sword upon him, shall be punished at the discretion of a general court-martial.

Article XI. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, nor shall presume to send a challenge to any person to fight a duel; and whosoever shall knowingly and willingly suffer any person whatsoever to go forth to fight a duel, or shall second, promote, or carry any challenge, shall be deemed as a principal; and whatsoever officer, or soldier, shall upbraid another for refusing a challenge, shall also be considered as a challenger; and all such offenders, in any of those or such like cases, shall be punished at the discretion of a general court-martial.

Article XII. Any officer commanding in quarters, or on a march, shall keep good order, and to the utmost of his power redress all such abuses or disorders which may be committed by any officer or soldier under his command. If upon any complaint made to him of officers or soldiers beating, or otherwise ill treating, any person, or of committing any kind of riot, to the disturbing of the inhabitants of this colony, he, the said commander, who shall refuse or omit to see justice done on the offender or offenders, and reparation made to the party or parties injured, as far as the offender's wages will enable him or them, shall, upon due proof thereof, be punished as ordered by a general court-martial, in such manner as if he himself had committed the crimes or disorders complained of.

Article XIII. If any officer or soldier should think himself to be wronged by his colonel, or the commanding-officer of the regiment, and shall, upon due application made to him, be refused to be redressed, he may

complain to the general or commander in chief of the provincial regulars, in order to obtain justice; who is hereby required to examine into the said complaint, and see that justice be done.

Article XIV. If any officer or soldier shall think himself wronged by his captain, or other officer commanding the company to which he belongs, he is to complain thereof to the commanding-officer of the regiment, who is hereby required to summon a regimental court-martial for the doing justice to the complainant, from which regimental court-martial either party may, if he thinks himself still aggrieved, appeal to a general court-martial; but if, upon a second hearing, the appeal shall appear to be vexatious and groundless, the person so appealing shall be punished at the discretion of a general court-martial.

Article XV. Whatsoever non-commissioned officer or soldier shall be convicted at a regimental court-martial of having sold, or designedly, or through neglect, wasted the ammunition, arms or provisions, or other military stores, delivered out to him, to be employed in the service of this colony, shall, if an officer, be reduced to a private sentinel; and if a private soldier, shall suffer such punishment as shall be ordered by a regimental court-martial.

Article XVI. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing from the commanding-officer, shall suffer such punishment as shall be inflicted on him, or them, by the sentence of a general court-martial.

Article XVII. No officer or soldier shall be out of his quarters or camp without leave from the commanding-officer of the regiment, upon penalty of being punished, according to the nature of his offence, by a regimental court-martial.

Article XVIII. Every non-commissioned officer and soldier shall repair to his quarters, or tent, at the beating of the retreat; in default of which, he shall be punished, according to the nature of his offence, by order of a regimental court-martial.

Article XIX. No officer, non-commissioned officer, or soldier, shall fail of repairing, at the time fixed, to the place of parade or exercise, or other rendezvous, appointed by the commanding-officer, if not prevented by sickness, or some other necessity; or shall go from the said place of rendezvous, or from his guard, with-

out leave from his commanding-officer, before he shall be regularly dismissed or relieved, on penalty of being punished, according to the nature of his offence, by the sentence of a regimental court-martial.

Article XX. Whatsoever commissioned officer shall be found drunk on his guard, party, or other duty, under arms, shall be cashiered for it. Any non-commissioned officer, or soldier, so offending, shall suffer such punishment as shall be ordered by the sentence of a regimental court-martial.

Article XXI. Whatsoever sentinel shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Article XXII. Any person belonging to the provincial army, who, by discharging of fire-arms, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp or quarters, shall suffer such punishment as shall be ordered by the sentence of a general court-martial.

Article XXIII. Any officer or soldier who shall without urgent necessity, or without leave of his superiour officer, quit his platoon or division, shall be punished, according to the nature of his offence, by the sentence of a regimental court-martial.

Article XXIV. No officer or soldier shall do violence, or offer any insult or abuse, to any person who shall bring provisions, or other necessaries, to the camp or quarters of the provincial army. Any officer or soldier, so offending, shall suffer such punishment as shall be ordered by a regimental court-martial.

Article XXV. Whatsoever officer or soldier shall shamefully abandon any post committed to his charge, or shall induce others so to do, in the time of an engagement, shall suffer death immediately.

Article XXVI. Any person belonging to the provincial army who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch-word different from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court-martial.

Article XXVII. Whosoever belonging to the provincial army shall relieve the enemy with money, vic-

tuals, or ammunition, or shall knowingly harbour or protect an enemy, shall suffer such punishment as shall by a general court-martial be ordered.

Article XXVIII. Whosoever belonging to the provincial army shall be convicted of holding correspondence with or of giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as by a general court-martial shall be ordered.

Article XXIX. All publick stores taken in the enemy's camp or magazine, whether of artillery, ammunition, clothing, or provisions, shall be secured for the use of the colony of Virginia.

Article XXX. If any officer or soldier shall leave his post or colours, at the time of an engagement, to go in search of plunder, he shall, upon being convicted thereof before a general court-martial, suffer such punishment as by the said court-martial shall be ordered.

Article XXXI. If any commander of any post, intrenchment or fortress, shall be compelled by the officers or soldiers under his command to give it up to the enemy, or to abandon it, the commissioned officer, or non-commissioned officer or soldier, who shall be convicted of having so offended, shall suffer death, or such other punishment as may be inflicted on them by the sentence of a general court-martial.

Article XXXII. All sutlers and retainers to a camp, and all persons whatsoever serving with the provincial army in the field, though not enlisted as soldiers, are to be subject to the articles, rules, and regulations, of the provincial army.

Article XXXIII. No general court-martial shall consist of a less number than thirteen, none of which shall be under the degree of a commissioned officer; and the president shall be a field-officer. And the president of each and every court-martial, whether general or regimental, shall have power to administer an oath to every witness, in order to the trial of offenders; and the members of all courts-martial shall be duly sworn by the president, and the next in rank to the court-martial shall administer the oath to the president. Provided, that when any person is to be tried for his life, under any of the foregoing or subsequent articles, the commanding-officer shall appoint twenty four members, at least, to be of the court-martial, two of which shall be field-officers, and ten shall be captains, out of which the

offender may choose fifteen, one of whom shall be a field-officer, and five of them captains, and sentence of death shall not be pronounced unless twelve of the court-martial concur in such sentence.

Article XXXIV. The members, both of general and regimental courts-martial, shall, when belonging to the different corps, take the same rank that they hold in the army; but, when courts-martial shall be composed of officers of one corps, they shall take their ranks according to their commissions by which they are mustered in the said corps.

Article XXXV. All the members of a court-martial are to behave with calmness, decency, moderation, and impartiality; and, in giving their votes, are to begin with the youngest or lowest in commission.

Article XXXVI. No field-officer shall be tried by any person under the degree of a captain; nor shall any proceedings or trial be carried on, excepting between the hours of eight in the morning and three in the afternoon, except in cases which require an immediate example.

Article XXXVII. The commissioned officers of every regiment may, by the appointment of their colonel or commanding-officer, hold regimental courts-martial for the inquiring into such disputes or criminal matters as may come before them, and for inflicting corporal punishment for small offences, and shall give judgment by the majority of voices; but no sentence shall be executed till the commanding-officer (not being a member of the court-martial) shall have confirmed the same.

Article XXXVIII. No regimental court-martial shall consist of less than five officers, excepting in cases where that number cannot be conveniently assembled, when three may be sufficient; who are likewise to determine upon the sentence by a majority of voices, which sentence is to be confirmed by the commanding-officer, not being a member of the court-martial.

Article XXXIX. Every officer commanding in any fort, castle, or barrack, or elsewhere, where the corps under his command consists of detachments from different regiments, and any other forces that may compose the corps, may assemble courts-martial for the trial of offenders, in the same manner as if they were regimental, whose sentence is not to be executed till it shall be confirmed by the said commanding-officer.

Article XL. No person whatsoever shall use menacing words, signs, or gestures, in the presence of a court-martial, when sitting, or shall cause any disorder or riot, so as to disturb their proceedings, on the penalty of being punished at the discretion of the said court-martial.

Article XLI. To the end that offenders may be brought to justice, whenever any officer or soldier shall commit a crime deserving punishment, he shall, by his commanding officer, if an officer, be put in arrest; if a non-commissioned officer or soldier, be imprisoned till he shall be either tried by a court-martial, or shall be lawfully discharged by proper authority.

Article XLII. No officer or soldier who shall be put in arrest or imprisonment shall continue in his confinement more than eight days, or till such time as a court martial can be conveniently assembled.

Article XLIII. No officer commanding a guard, or provost-martial, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the provincial forces; which officer shall, at the same time, deliver an accusation, signed by himself, of the crime with which the said prisoner is charged.

Article XLIV. No officer commanding a guard, or provost-martial, shall presume to release any prisoner committed to his charge, without proper authority for so doing; nor shall he suffer any prisoner to escape, on the penalty of being punished for it, by the sentence of a general court-martial.

Article XLV. Every officer or provost-martial to whose charge prisoners shall be committed, is hereby required, within twenty four hours after such commitment, or as soon as he shall be relieved from his guard, to give in writing to the colonel of the regiment to whom the prisoner belongs, where the prisoner is confined upon the guard belonging to the said regiment, and that his offence only relates to neglect of duty, in his own corps, or to the commander in chief, their names, their crimes, and the name of the officer who committed them, on the penalty of being punished for his disobedience or neglect at the discretion of a general court-martial.

Article XLVI. Whatsoever commissioned officer shall leave his confinement before he is set at liberty by the officer who confined him, or by a superior power, shall be cashiered for it.

ORDINANCES OF CONVENTION,

Article XLVII. Whatsoever commissioned officer shall be convicted before a general court-martial of behaving in a scandalous, infamous manner, such as is unbecoming the character of an officer and a gentleman, shall be discharged from the service.

Article XLVIII. All officers, conductors, gunners, matrosses, drivers, or any other persons whatsoever, receiving pay or hire in the service of the provincial artillery, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts-martial, in like manner with the officers and soldiers of the provincial forces.

Article XLIX. For differences arising among themselves, or in matters relating solely to their own corps, courts-martial may be composed of their own officers; but where a number sufficient of such officers cannot be assembled, or in matters wherein other corps are interested, the officers of artillery shall sit in courts-martial with the officers of the corps.

Article L. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of to the prejudice of good order and military discipline, though not mentioned in the articles of war, are to be taken cognizance of by a general or regimental court-martial, according to the nature and degree of the offence, and be punished at their discretion.

Article LI. That no person shall be sentenced by the court-martial to suffer death, except in the cases expressly mentioned in the foregoing articles; nor shall any punishment be inflicted, at the discretion of a court-martial, other than degrading, cashiering, drumming out of the army; whipping, not exceeding thirty-nine lashes; fine, not exceeding two months pay of the offender; imprisonment, not exceeding one month.

Article LII. The field-officers of each and every regiment are to appoint some suitable person belonging to such regiment to receive all such fines as may arise within the same for any breach of any of the foregoing articles, and shall direct the same to be carefully and properly applied to the relief of such sick, wounded, or necessitous soldiers, as belong to such regiment; and such person shall account with such officer for all fines received, and the application thereof.

Article LIII. All members sitting in courts-martial shall be sworn by the president of the said court, which president shall himself be sworn by the officer in the said

court next in rank; the oath to be administered previous to their proceeding to the trial of every offender, in form following, viz.

You, A. B. swear, that you will well and truly try and impartially determine the cause of the prisoner now to be tried, according to the rules for regulating the provincial army.

So help you God.

Article LIV. All persons called to give evidence in any case before a court-martial, who shall refuse to give evidence, shall be punished for such refusal, at the discretion of such court-martial; the oath to be administered in the following forms, viz:

You shall swear the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth.

So help you God.

Article LV. Every officer commanding a regiment, or company, shall, upon notice given to him by the commissary of the musters, or from one of his deputies, assemble the regiment, or company, under his command, in the next convenient place for their being mustered.

Article LVI. Every colonel or other field-officer, or officer commanding any corps to which there is no field officer, and actually residing with it, may give furloughs to non-commissioned officers, and soldiers, in such numbers, and for so long a time, as he shall judge to be most consistent with the good of the service; but no non-commissioned officer or soldier shall, by leave of his captain, or inferior officer commanding the company (his field officer not being present) be absent above twenty days in six months; nor shall more than two private men be absent at the same time from their company excepting some extraordinary occasion shall require it; of which occasion the field officer present with, and commanding the regiment, or independent corps, is to be judge.

Article LVII. At every muster the commanding officer of each regiment or company then present shall give to the commissary of musters certificates, signed by himself, signifying how long such officers, non-commissioned officers, and soldiers, who shall not appear at the said muster, have been absent, and the reason of their absence; which reason, and the time of absence, shall be inserted in the muster rolls, opposite to the re-

spective names of such absentees, the said certificate, together with the muster roll, be by the said commissary transmitted to the commanding officer of the provincial forces, and by him to the committee of safety appointed by this convention, within twenty days, next after such muster being taken; on failure whereof, the commissary so offending shall be discharged from the service.

Article LVIII. Every officer who shall be convicted before a general court-martial of having signed a false certificate, relating to the absence of either officers or non-commissioned officers, or private soldiers, shall be cashiered.

Article LIX. Every officer who shall knowingly make a false muster of a man or horse, and every officer or commissary who shall willingly sign, direct or allow the signing of the muster rolls wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court-martial, be cashiered, and moreover, forfeit all such pay as may be due to him at the time of conviction for such offence.

Article LX. Any commissary who shall be convicted of having taken any gift or gratuity on the mustering any regiment or company, on the signing the muster rolls, shall be displaced from his office, and forfeit and pay as in the preceeding article.

Article LXI. Any officer who shall presume to muster any person as a soldier who is at all times accustomed to wear a livery, or who does not actually do his duty as a soldier, shall be deemed guilty of having made a false muster and shall suffer accordingly.

Article LXII. Every officer who shall knowingly make a false return to the commander in chief of the provincial forces, or to any of his superior officers authorised to call for such returns of the state of the regiment, company or garrison, under his command, or of arms, ammunition, clothing, or other stores thereunto belonging, shall by a court-martial be cashiered.

Article LXIII. The commanding officer of every regiment, or other corps, or of any garrison in the service aforesaid, shall, in the beginning of every month, remit to the commander in chief of the said forces an exact return of the state of the regiment, troops, or other corps, or of any garrison under his command, specifying the names of the officers not then residing at their posts, and the reason for and time of their ab-

sence. Whoever shall be convicted of having, through neglect or design, omitted the sending such returns, shall be punished according to the nature of their offence, by the judgment of a general court-martial.

Article LXIV. No suttler shall be permitted to sell any kind of liquor or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating the reveilles, or upon Sundays during divine service or sermon, on the penalty of being dismissed from all future suttling.

Article LXV. All officers commanding in the camp, or in any forts, barracks or garrisons, are hereby required to see that the persons permitted to suttle shall supply the soldiers with good and wholesome provisions at a reasonable price, as they shall be answerable for their neglect.

Article LXVI. No officer commanding in any camp, garrison, fort, or barracks, shall either themselves exact exorbitant prices for houses or stalls let out to suttlers, or shall connive at the like exactions in others, or lay any duty or imposition upon, or be interested in, the sale of such victuals, liquors, or other necessities of life, which are brought into the camp, garrison, fort, or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Article LXVII. That the commanders in chief for the time being shall have full power of pardoning, or mitigating, any of the punishments ordered to be inflicted for any of the offences mentioned in any of the foregoing articles; and every offender convicted as aforesaid, by any regimental court-martial, may be pardoned, or have his punishment mitigated, by the colonel or officer commanding the regiment.

Article LXVIII. When any commissioned officer shall happen to die or be killed in the service of this colony, the major of the regiment, or the officer doing the major's duty in his absence, shall immediately secure all his effects or equipage then in camp or quarters; and shall before the next regimental court-martial, make an inventory thereof, and forthwith transmit the same to the office of the secretary of the committee of safety, to the end that his executors may, after the payment of his debts, in quarter and interment, receive the overplus, if any be, to his or their use.

Article LXIX. When any non-commissioned officer or private soldier shall happen to die or be killed in

the service of this colony, the then commanding-officer of the company shall, in the presence of two other commissioned officers, take an account of whatever effects he dies possessed of, and transmit the same, as in the case above provided for, in order that the same may be secured for, and paid to, their respective representatives.

Article LXX. No chaplain who is commissioned to a regiment, company, or garrison, shall absent himself from the said regiment, company, or garrison, (excepting in cases of sickness, or leave of absence) upon pain of being brought to a court-martial, and punished, as their judgment, and the circumstances of the offence, may require.

Article LXXI. Whatever chaplain to a regiment or garrison shall be guilty of drunkenness, or of other scandalous or vicious behaviour, derogating from the sacred character with which he is invested, shall, upon due proofs before a court-martial, be discharged from his office.

Article LXXII. No sentence of a court-martial, whereby the pains of death are to be inflicted on any offender, shall be carried into execution till the same hath been approved of by the committee of safety, and such approbation certified to the commander in chief.

Article LXXIII. The foregoing rules and regulations shall be publickly read at the head of each regiment, once in three months, by order of the colonel or commander in chief of such regiment, under the penalty of fifty pounds, to be paid by such colonel or commander for every neglect.

CHAP. III.

See also original
pp. 49, 50, 51

An ordinance appointing a Committee of Safety, for the more effectual carrying into execution the several rules and regulations established by this convention for the protection of this colony.

WHEREAS in the present time of danger, and the Preamble.
alarming and distressed situation of the country, it is judged necessary that a committee of safety should be established, for the better and more effectual carrying into execution the several ordinances and resolutions of this convention:

Be it therefore ordained, by the delegates deputed to represent the several counties and corporations within this colony in the present general convention, and it is hereby ordained by the authority of the same, That Edmund Pendleton, George Mason, John Page, Richard Bland, Thomas Ludwell Lee, Paul Carrington, Dudley Digges, William Cabell, Carter Braxton, James Mercer, and John Tabb, esquires, be, and they are (hereby appointed and declared a committee of safety throughout this colony for the purposes aforesaid. General committee of safety appointed.

And the said committee shall, so soon as may be, assemble at such convenient time and place as may be appointed by the person first named of the said committee, and being so assembled, and having first taken an oath, to be administered to the member first named by any two other members, and afterwards by him to the rest of the committee, well and faithfully to execute the duties of their office, shall proceed to the election of a president, and vice-president, to act in case of the death or necessary absence of the president, and shall also appoint a clerk, who for his services shall receive such salary as may be judged reasonable by the general convention; and the said committee shall have power to adjourn from time to time, and to such place as they think fit and convenient, and if exigencies should occur that may render an intermediate meeting of the said committee necessary, the president, or in case of his absence the vice-president, may convene the How organized.

VOL. IX.

G

said committee, or any six of them, and proceed to do business, as if such meeting was regularly appointed. Provided, that in case of the death, sickness, or necessary absence, of the president and vice-president, the said committee may choose other of their members to either office *pro tempore*.

Their powers.

To commission officers.

General powers.

To direct the movements of the army;

and call the minute-men and militia into service.

And the said committee, or a majority of any six or more members being present, shall have full power and authority to grant commissions under their hands to any officer or officers, and to appoint any commissioners, paymasters, commissaries, or contractors, pursuant to the several ordinances and resolutions of this convention, and to issue their warrants from time to time to the treasurer appointed by this convention, or pursuant to their ordinance, for the payment of all such sums of money as are or shall be directed to be paid by this convention to any person whatsoever, or shall be agreed to be paid by the said committee to any commissioner, paymaster, commissary, or contractor, either for provisions, clothing, tents, arms, or other incidental charges, and for their expenses and trouble in procuring the same; and, in general, to carry into complete and full execution all and every the ordinances and resolutions of this convention, according to the true intent and meaning thereof.

And be it farther ordained, That the said committee of safety, or a majority of them, as aforesaid, shall have full power, from time to time, to superintend, direct, and appoint stations, marches, and encampments, for the regular forces to be raised, so that they may be on all emergencies employed for the more effectual assistance and defence of any part of the country most exposed to danger; and they shall, moreover, have full power and authority to call forth into actual service any detachments or companies of minute-men, or any parts of the militia from any district or county within this colony, having regard to the convenience and vicinity of such district or county to the place of immediate danger, and also to the internal security of such district or county. And if any companies of minute-men, or militia, shall be called out pursuant to the power given to the chief commanding-officer, or other officers, the said committee shall and may judge and determine on the necessity or propriety of making such draughts, and give such orders as to discharging or

continuing them in service, as to the said committee shall seem most expedient and necessary for the advantage and security of the publick.

And be it farther ordained, That in case of any extraordinary exigency, the said committee shall have power to call in any assistance that may be necessary, and can be procured, from either of the neighbouring colonies; and, if required by such colonies as may be exposed to danger, shall likewise have power to send them any assistance from this country that can be conveniently spared.

Provided always, That the militia at large of any county shall not be called into actual service, except in cases of the most urgent and imminent danger, nor continued, on any pretence whatever, longer on duty than their places can be supplied by minute-men, to be drawn from the most convenient districts. And all chief and commanding-officers, as well of the regulars as of the minute-men and militia, shall, and they are hereby required, to pay strict obedience to such orders as they shall from time to time receive from the said committee of safety; and if any chief or other commanding-officer shall refuse or neglect so to do, the said committee shall make a full report of such misconduct to the next convention.

And whereas, till the forces are raised and embodied, it may be necessary to the security of the country that the militia and volunteer companies should be called into service, *Be it farther ordained,* That the said committee of safety shall have full power and authority to call into service, in cases of danger, to be judged of by the said committee, so many volunteer companies, and such parts of the militia, as they may think necessary for the defence and security of any part of the country; and shall appoint some fit and able person, or persons, to command the same, as need may require. And the said volunteers, and militia, shall be entitled to, and receive, the same allowances as are appointed for the militia in other cases.

And in order to obtain the most authentick intelligence in all matters of importance, and to avoid false alarms, *Be it farther ordained,* That the committee of safety shall keep up a correspondence with the committees of the several counties and corporations, the commanding-officers as well of the regulars as the minute-men, and shall have full power to appoint a suffi-

To call for aid from neighbouring colonies, and to send them aid.

Restrictions in calling out the militia.

All officers to obey the general committee of safety.

May call militia and volunteers into service.

To keep up a general correspondence.

cient number of look-outs and advice-boats at proper stations, and to engage necessary expresses, in different parts of the country, to be in constant readiness to set out on the shortest notice; and shall issue their warrants, from time to time, to the treasurer for paying the same.

Their proceedings to be recorded.

And the said committee of safety shall cause all their proceedings and transactions to be fairly entered in a book, or books, to be provided at the publick expense for that purpose, which shall be laid before the next convention; to whom the said committee shall be accountable for their conduct touching the premises, in every respect whatever. And each member of the said committee shall receive for his trouble and expenses in discharging the duties of his office, and the important trust hereby reposed in him, such reasonable allowance as may be thought fit by the general convention.

Their compensation.

May cause treasury and public records to be removed.

And for the better security of the publick treasury, and publick records in the different parts of the country, *Be it farther ordained, by the authority aforesaid,* That the committee of safety shall, in case of apparent danger, have full power to cause the said treasury and records to be removed, at the publick expense, to such place or places of safety as they shall think fit and necessary.

Mode of appointing officers by district committees, altered.

Whereas it is provided, by an ordinance passed this convention for raising a number of men for the protection of this colony, that several officers shall be appointed by district committees, composed of deputies from different counties; and whereas, from the usual method of conducting the business of committees, the chairmen are not allowed to vote on any question, except in cases where the other members are equally divided in opinion, which in this instance may be attended with inconvenience: *Be it ordained,* That in all appointments of officers by a district committee the chairman of such committee shall have equal right to vote in common with the other members, though they should not be equally divided; and in case it should happen that the whole committee, including the chairman, is equally divided, the matter shall be fairly represented by the district committee to the committee of safety, who shall have full power to determine the election in favour of such of the candidates as they may think fit and grant their commission accordingly.

And be it farther ordained, That the said committee of safety shall have power, and they are hereby desired, to collect together all the arms lately taken away from the publick magazine, and all other arms purchased at the publick expense, at some place most convenient for that purpose, and that they repay the expense incurred by repairing the same; and also all such ammunition and warlike stores as are now the publick property in this colony, or may hereafter be purchased on the publick account; and dispose of such arms, ammunition, and stores, as they shall judge most conducive to the safety of this colony, until the farther order of this or some other convention.

Power of general committee as to arms, ammunition, &c.

And be it farther ordained, That any person who shall hereafter accept of any office of profit, or pecuniary appointment, under the crown, shall be disqualified from sitting or voting in the committee of safety; and no member of the committee of safety shall hold any military office whatever, after the end of the present session of the convention. And that the said committee of safety shall continue in office, and exercise the powers hereby given them, until the sitting of the next general convention, or for one year, in case the convention should not meet within that time.

Person accepting office or appointment under the crown disqualified.

How long committee of safety to continue in office.

CHAP. IV.

*An ordinance for regulating the election of delegates and ascertaining their allowances, and also for regulating the election of committee-men in the several counties and corporations within this colony, and for other purposes therein mentioned.**

[Vol. 8. p. 5.]

I. WHEREAS by the unhappy differences subsisting between Great Britain and this colony, the usual

Preamble.

* This ordinance is published in the *Chancellors' Revision* of 1785, p. 30, in which it is distinguished by *sections*; but in the original, none of the ordinances of this convention are numbered either by chapters or sections.

At a Convention of Delegates held at the town of Richmond, in the colony of Virginia, on Friday the first of December, in the year of our Lord one thousand seven hundred and seventy-five, and afterwards, by adjournment, in the City of Williamsburg.

Edmund
Pendleton,
esq. presi-
dent.

See also original
p. 76

ORDINANCES, &c.

CHAP. I.*

An Ordinance for raising an additional number of forces for the defence and protection of this colony, and for other purposes therein mentioned.

WHEREAS the earl of Dunmore, by his many hostile attacks upon the good people of this colony, and attempts to infringe their rights and liberties, by his proclamation declaring freedom to our servants and slaves, and arming them against us, by seizing our persons and properties, and declaring those who opposed such his arbitrary measures in a state of rebellion, hath made it necessary that an additional number of forces be raised for our protection and defence:

Preamble,
reciting hos-
tility of lord
Dunmore.

Be it therefore ordained, by the delegates and representatives of the several counties and corporations within the colony and dominion of Virginia, now assembled in general convention, and it is hereby ordained by the authority of the same, That the two regiments formerly raised be augmented; by the addition of three hundred

Two former
regiments of
regulars aug-
mented.

* The titles only of the ordinances of this convention are inserted in the *Chancellors' Revisal*, edi. 1785. In the original, the ordinances are not distinguished either by chapters or sections.

418. Va.—*Convention of Delegates, Richmond; Va. Laws, W. Hening, Vol. 9, 1821; Act, Dec. 1, 1775, pp. 75-92.*

and eighty two men, to be divided into five companies, consisting of sixty eight men each rank and file, under the command of one captian, two lieutenants, one ensign, and four serjeants; each company to be allowed a drummer and fifer, and two of the said companies to be added to the first, and the remaining three companies to the second regiment.

Six additional regiments to be raised.

And be it farther ordained, That there be likewise immediately raised, and taken into pay from the time

Of what to consist.

of their enlistment, six other regiments complete, to be composed of ten companies of sixty eight men each rank and file (three of which companies in each regiment to

Officers.

consist of riflemen, to act as light infantry) under the command of a colonel, lieutenant-colonel, a major, ten captains, twenty lieutenants, ten ensigns, forty serjeants, and to be allowed ten drummers and ten fifers; and to

Staff.

each of the said regiments there shall be moreover allowed a chaplain, an adjutant, a regimental quartermaster, one surgeon, two surgeons mates, one serjeant-major, one drum-major, and quartermaster's serjeant.

German regiment; and where raised.

And be it further ordained, That of the six regiments to be levied as aforesaid, one of them shall be called a German regiment, to be made up of German and other officers and soldiers, as the committees of the several counties of Augusta, West Augusta, Berkeley, Culpeper, Dunmore, Fincastle, Frederick, and Hampshire (by which committees the several captains and subaltern officers of the said regiment are to be appointed) shall judge expedient.

Another regiment, for Accomack and Northampton.

And whereas, by an ordinance passed at the last meeting of this convention, intituled, An ordinance for raising and embodying a sufficient force for the defence and protection of this colony, it is ordained that a battalion of minute-men be raised in the counties of Accomack and Northampton, which at present is thought to be inadequate to the defence of that part of this colony: *Be it therefore ordained,* That so much of the said ordinance as relates to the raising the said battalion be repealed; and that, over and above the regiments aforesaid, there be raised one other regiment, to be composed of seven companies, for the protection and defence of the said counties of Accomack and Northampton;

Of what to consist.

each company to consist of sixty eight rank and file, and to be under the command of a colonel, lieutenant-colonel, a major, seven captains, fourteen lieutenants, seven ensigns, twenty eight serjeants, and each compa-

Officers.

ny to be allowed a drummer and fifer. Four of which companies to be raised in the said counties of Accomack and Northampton, as herein after directed, the other three (two of which to consist of riflemen, to be allotted to this regiment by the committee of safety) out of the other levies to be raised by this ordinance; and the said regiment shall moreover be allowed a chaplain, a paymaster, with a salary of £. 75 per annum, and the like staff officers as are directed for the other regiments, to be appointed in the same manner.

And be it farther ordained, That the whole of the nine regiments be under the command of one major-general, and two brigadiers-generals, each of whom shall have an aid-de-camp and secretary of their own appointment; and that there be one quartermaster-general, one adjutant-general, and one deputy adjutant-general.

And for the more regular, speedy, and equal appointment of officers, *Be it farther ordained,* That the general officers shall be appointed by the general congress, and that the field-officers shall be nominated and appointed by the general convention of this colony, and the captains and subalterns by the several county and district committees, as follows, that is to say: That each of the committees of the counties of Albemarle, Augusta, West Augusta, Berkeley, Bedford, Culpeper, Dunmore, Fauquier, Fincastle, Loudoun, Orange, Prince William, and Spotsylvania, shall nominate and appoint two proper and discreet persons to be captains, two other such persons to be first lieutenants, two others to be second lieutenants, and two others to be ensigns, who shall be by them respectively directed to proceed with all expedition in recruiting levies, in order to raise in the whole twenty six companies.

Provided, That the officers of the one hundred men ordered from Fort Pitt, by a late resolution of this convention, shall be considered as part of the officers to be nominated by the committee of West Augusta, if the said officers shall incline to continue in the service of this colony, agreeable to the said resolution. That each of the committees of the counties of Amelia, Amherst, Botetourt, Brunswick, Buckingham, Caroline, Charlotte, Chesterfield, Cumberland, Charles City, Dinwiddie, Frederick, Fairfax, Goochland, Gloucester, Halifax, Hampshire, Hanover, Henrico, King George, King and Queen, King William, Lunenburg, Louisa, Mecklenburg, Nansemond, Northumberland, New Kent,

Staff

Generals, & staff, to command the nine regiments.

General officers, field-officers, captains and subalterns, how appointed.

Power of county committees.

Provision in favour of officers, ordered from Fort Pitt.

County committees to appoint captains, &c.

Pittsylvania, Prince Edward, Prince George, Southampton, Stafford, Sussex, and Westmoreland, shall nominate and appoint one such proper person to be captain, one other to be first lieutenant, one other to be second lieutenant, and one other to be ensign, who shall be by the committees respectively directed to proceed immediately in recruiting levies, in order to raise, in the whole, thirty three companies. That the several district committees, herein after described, do nominate and appoint the remainder of the officers for raising thirteen companies, as follows: The district of Accomack and Northampton, four captains, four first lieutenants, four second lieutenants, and four ensigns; the district of Essex and Middlesex, one captain, one first lieutenant, one second lieutenant, and one ensign; the district of Isle of Wight and Surry, two captains, two first lieutenants, two second lieutenants, and two ensigns; the district of Lancaster and Richmond, one captain, one first lieutenant, one second lieutenant, and one ensign; the district of Norfolk and Princess Anne counties, one captain, one first lieutenant, one second lieutenant, and one ensign; and the district of York, Elizabeth City, Warwick, James City, and the city of Williamsburg, two captains, two first lieutenants, two second lieutenants, and two ensigns. And the several district committees, directed to proceed immediately in recruiting as aforesaid, in order to raise their companies; which several recruiting officers shall be at liberty to raise their levies in any part of the colony, without being confined to counties or districts.

Officers may recruit in any part of the colony.

Officers, not recruiting their quotas, by a limited time, may be superseded, and others appointed.

And be it further ordained, That if any captain and his subaltern officers, so to be appointed, shall not recruit the whole number of men for a company on or before the last day of February next, the committee of the county or district by whom such officers were appointed may either appoint others instead of the officer or officers who shall fail to recruit the following number, according to his rank, to wit, a captain twenty eight, a first lieutenant twenty one, a second lieutenant sixteen, and an ensign nine, or may continue the former officers, if it shall appear probable to the committee that the company may be sooner completed by them than raised by appointing new officers as aforesaid.

Effect of not completing companies.

Provided always. That if any company shall not be made complete by the first nominated officers, or others,

to be chosen in their stead as aforesaid, by the twenty-fifth day of March next, the several county and district committees, wherein such failure should happen, shall make report of the whole matter to the committee of safety, who shall take such order therein as to them shall seem most likely to forward the service, and appoint such and so many officers as they may judge proper to recruit at large within this colony, without regard to the place of residence of such officer.

And be it farther ordained, That the several county and district committees, at the time of appointing the officers as aforesaid, shall fix on some certain convenient place where the officers of each company shall rendezvous the men by them enlisted, and also nominate two of their members, residing as near as may be to such place of rendezvous, to review the men to be enlisted in each company; which members having examined the persons enlisted, and found them to be able-bodied healthy men, and to have been regularly sworn and attested according to the direction of this ordinance, shall grant a certificate thereof, which shall be returned to the county or district committee who appointed the officers, and be by them respectively returned to the committee of safety, who shall grant commissions to the officers thereupon, as is herein after directed. *County and district committees to appoint rendezvous; and provide for reviewing recruits; and grant certificates, in order for commissions*

And in case it shall appear, from such certificates, that two or more companies have been reviewed on the same day, the committee of safety shall settle the priority of rank between the officers, by a fair and equal lot.

And be it farther ordained, That the chaplain and surgeon to each regiment be appointed by the field-officers and captains of such regiment; the surgeon's mates by the surgeon himself, with the approbation of the commanding-officer; the adjutant, regimental quartermaster, serjeant-major, quartermaster-serjeant, and drum-major, by the commanding-officer of such regiment. *Regimental staff, how appointed.*

And for the more certain and regular appointment of the several district committees, Be it ordained, That the several committees of the counties and corporations before named shall each depute three of their members to attend at some convenient and central place in each district, to be appointed by the chairman of the committee of the county first named in each district, of which appointment such chairman shall give reasona- *District committees, how appointed.*

ble notice to the chairmen of the other committees within his district; which deputies, or a majority of them, the whole having such reasonable notice, shall be a district committee for the purposes of this ordinance, and proceed to the nomination and appointment of officers in the same manner as is directed by a former ordinance of convention.

Committee of safety to allot companies to regiments, and station the troops.

And for the more regular embodying the several regiments, and stationing the troops for the protection of the several parts of this colony, *Be it ordained*, That the committee of safety shall allot certain companies to each regiment, and appoint the station of such regiment, of which notice shall be given to the county and district committees where such companies are expected to be raised; which committees, at the time of their granting certificates of the completion of the companies, shall order each company to march to the station, and certify the same, and the distance to such station, to the committee of safety.

How many miles, a days march.

And to prevent unreasonable delay in such march, *Be it ordained*, That the officers and men shall receive no more pay, from the date of such marching orders to the time of their arrival at their station, than after the rate of one day's pay for every fifteen miles, according to the distance, unless delayed by bad weather, or unavoidable accidents; of which the committee of safety shall judge and determine, before they grant a warrant for the pay of any company.

Cadets, provision for.

And for making a certain provision for cadets, *Be it ordained*, That every cadet who shall enter into the service, with the approbation of the commanding-officer of the respective regiment which he is willing to join, shall be allowed the pay and provision of a private soldier, and be found the like tents, allowing one to every four cadets.

Vacancies, in officers, how supplied.

And be it farther ordained, That in case any vacancies should happen, by deaths or otherwise, among the commissioned officers, the same shall be supplied, from time to time, by regular succession, in course of seniority; and in case of a defect of officers to supply such succession, the commanding-officer of the regiment shall fill up the vacancy out of the cadets, if any, paying due regard to their seniority; and, if there be no cadets, out of such others as he may think proper, with the approbation of the committee of safety.

And that the companies may be kept complete from time to time, *Be it farther ordained*, That if any vacancies should happen among the private men, the commanding-officer of the regiment shall supply the same by new recruits, in the best and most expeditious manner he may be able.

And be it farther ordained, That the soldiers to be raised shall be enlisted on the terms following, to wit: That they shall continue in the service so long as may be judged necessary by the general congress, or by the general convention or general assembly of this colony, but not be compelled to continue more than two years from the 10th day of April next;

Provided, Any soldier or soldiers do give the commanding-officer three months previous notice, in writing, of his or their desire to be discharged at the end of such period; and, if it shall be judged expedient to disband the army before the expiration of the said two years, that then each soldier discharged within that time shall be entitled to and receive six weeks pay over and above what is actually due to him. That the pay of each captain, lieutenant, and ensign, shall commence on the day of his appointment by the district or county committees, of the chaplain and all the subaltern officers on the days of their respective appointments, of the common soldiers on the days of their enlisting; and that the pay of the several field and staff officers shall commence on the days of their being called into duty by the committee of safety.

Provided always, That no recruiting officer shall be allowed to enlist into the service any servant whatsoever, except apprentices bound under the laws of this colony, nor any such apprentices unless the consent of his master be first had in writing; neither any man unless he be five feet four inches high, healthy, strong made, and well limbed, not deaf, or subject to fits.

And be it farther ordained, That the soldiers to be enlisted, and the several serjeants appointed, or to be appointed, shall, at the expense of the publick, be furnished each with one good musket and bayonet, cartridge box, or pouch and canteen; and until such musket can be provided that they bring with them the best gun of any other sort that they can procure; and that they also bring with them (if to be had) one blanket each, and that such as are to act as riflemen bring with them one good rifle and tomahawk, each to be approved.

ed by their captain, for the use of which guns they shall be allowed as follows, to wit: For the smooth-bores, or muskets, after the rate of 20s. and for the rifles and tomahawks after the same rate by the year, and for the blanket so much as by the judgment of any field-officer of his regiment the same shall be considered to be worth at the time it is produced. That each common soldier, not already sufficiently provided, in the opinion of his commanding-officer, shall be provided with sufficient clothing, at the expense of the publick, to be deducted out of his pay, and also be allowed by the publick a hunting shirt, a pair of leggins, and binding for his hat.

Hire for arms, &c. furnished by the soldiers.

Clothing, now furnished.

Proviso. as to minute-men joining the army.

Provided, If any minute-man, who has been already furnished with such articles, shall enter into the regular service, he shall have no farther allowance.

Additional rifle-companies.

And be it further ordained, That, over and above the rifle companies belonging to the German regiment, there be raised seventeen companies of expert riflemen, in the following counties, that is to say: In the counties of Bedford and Loudoun, each two companies; in the counties of Albemarle, Amherst, Berkeley, Botetourt, Buckingham, Charlotte, Culpeper, Dunmore, Fauquier, Halifax, Orange, Pittsylvania, and Prince Edward, each one company; which shall be allotted by the committee of safety to the respective regiments, as before directed.

In what counties to be raised.

Medicine chests, and surgeons' instruments.

And be it farther ordained, That the proper medicine chests, and surgeons instruments, be provided, at the expense of the publick.

Pay of officers, soldiers, and staff.

And be it farther ordained, That the pay of the officers and soldiers shall be as follows, to wit: To a colonel, seventeen shillings and sixpence; to a lieutenant-colonel, twelve shillings and sixpence; a major, ten shillings; a deputy quartermaster-general, ten shillings; an adjutant-general, twelve shillings and sixpence; a deputy adjutant-general, ten shillings; a captain, six shillings; a lieutenant, four shillings; an ensign, three shillings; a chaplain, ten shillings; an adjutant (holding no other office) six shillings; if in other office, three shillings; to a regimental quartermaster (holding, or not holding, any other office) the same as to an adjutant; to a serjeant-major, to be appointed from amongst the most expert serjeants, by the commanding-officer of the regiment, two shillings and sixpence; to a quartermaster-serjeant, two shillings and sixpence; to a ser-

jeant, two shillings; to a drum-major, two shillings; to a corporal, drummer, and fifer, each one shilling and eightpence; and to each private soldier, one shilling and fourpence; to a surgeon, ten shillings; and to a surgeon's mate, five shillings per day.

And be it farther ordained, That one company of artillery be forthwith raised, and taken into the pay of this colony, to consist of one captain, three lieutenants, one serjeant, four bombardiers, eight gunners, and forty eight matrosses; the officers to be appointed and commissioned by the committee of safety, and the non-commissioned officers and gunners to be appointed by the captain; the pay of whom shall commence on the days of their several appointments and enlistments, and be as follows: To a captain eight shillings, a lieutenant six shillings, a serjeant four shillings, a bombardier three shillings, a gunner two shillings and sixpence, and each matross two shillings per day; which company, when complete, shall be passed and reviewed by such person as the said committee of safety shall appoint, and take the oath and subscribe the articles directed by this ordinance for the other forces, and be subject to the like rules and regulations.

Artillery company to be raised.

Officers, bombardiers, gunners, matrosses.

Their pay.

And for the greater security of the inhabitants of this colony from depredations of the enemy by water, Be it ordained, That the committee of safety shall, and they are hereby empowered and required to provide from time to time such and so many armed vessels as they may judge necessary for the protection of the several rivers in this colony, in the best manner the circumstances of the country will admit; and, to that end, to raise and take into pay a sufficient number of officers and men, as well sailors as marines, whose pay shall be settled by the committee of safety, not exceeding the following rates, to wit: To a chief commander of the whole, as commodore, fifteen shillings, to a master ten shillings, a first mate seven shillings and sixpence, a second mate five shillings, a boatswain three shillings, a common sailor, two shillings, per day; a captain of marines six shillings, a lieutenant four shillings, a midshipman three shillings, a marine one shilling and sixpence.

Armed vessels to be provided by committee of safety.

Pay of commodore, and other officers and sailors.

When, and on what terms land forces may act in concert with naval.

Provided always, and be it farther ordained, That where the land service will admit of it, and the officers and soldiers of the regular forces shall be willing to enter upon any temporary expedition in such armed ves-

sels, they may be allowed so to do, and shall receive pay according to the rates afore-mentioned; which officers, sailors, and marines, may be removed or disbanded by the said committee of safety, as they shall judge expedient.

Secretary to colonels, when allowed.

And be it farther ordained, That the colonel of each regiment, when detached from the main body, on a separate command, shall be allowed a secretary, to be appointed by himself, who shall be allowed for his services four shillings a day.

Tents.

And be it farther ordained, That every commissioned and staff officer shall be allowed a tent, and every two serjeants shall have the same allowance; and that for every six private men there shall be provided a proper and sufficient tent, and that one bell tent for each company shall also be provided, at the publick expense.

Arms, accoutrements and camp equipage, how provided.

And be it farther ordained, That for the more speedy supply of the forces with waggons, tents, bedding, arms, accoutrements, clothes, provisions, and all other necessaries, the committee of safety shall, and they are hereby required to appoint some fit person, or persons, to provide arms and accoutrements, clothes, waggons, tents, and bedding, upon the best and cheapest terms, and also to appoint one or more contractors or commissaries, who are hereby required to use all possible despatch in purchasing such provisions as shall be necessary for the army, and in laying off the same in such convenient place, or places, as may best suit their different stations and marches.

Pay-masters to be appointed, by committee of safety.

And for the more regular pay of the army, It is hereby ordained, That the committee of safety shall appoint one paymaster to the first four of the said regiments, and one paymaster to the other four of the said regiments, with a salary of £. 150 per annum each, and one assistant paymaster, who shall pay the troops on the frontiers, and shall be allowed such salary as shall be approved by the committee of safety for his services; which paymasters are also to act as muster-masters.

Their salary

To act as muster-masters.

And it shall and may be lawful for the said committee, from time to time, to issue their warrants to the treasurer, appointed by or pursuant to an ordinance of this convention, for paying the several recruiting officers, commissioners, commissaries, or contractors, and paymasters, by them appointed; and to all expresses, and other persons by them employed in lesser services, so

How paid.

much money as the said committee shall judge necessary for their several purposes, taking proper security for the due disbursement and application thereof, and making a proper and reasonable allowance to the several persons so to be appointed, for their trouble and expenses in conducting either branch of business to him or them assigned. And the said committee of safety shall have full power and authority to displace and remove from his office any person so by them appointed, either for misconduct or neglect of duty. And the said treasurer is hereby required to pay all such sums as he may be directed, by such warrants, out of the publick money in his hands.

Removeable
by commit-
tee of safety.

And be it farther ordained, That the said committee of safety shall have full power and authority, at such times and places as they may think necessary and convenient, to call all such persons who may receive any publick money, for carrying into execution the purposes of this ordinance, to a strict account; and, upon examining their accounts, and finding them justly stated, certify the same, and, if necessary, to give proper acquittances and discharges.

Power of
committee
of safety to
call public
agents to
account

And whereas it may be necessary, for the publick security, that the forces to be raised by virtue of this ordinance should, as occasion may require, be marched to different parts of the united colonies, and that the officers should be subject to a proper controul: *Be it therefore ordained, by the authority aforesaid,* That the officers and soldiers under their command shall, in all things, not otherwise particularly provided for by this ordinance, and the articles established for their regulation, be under the controul, and subject to the order, of the committee of safety.

Army, in all
things, to be
under the
controul of
committee
of safety.

And whereas, in this time of danger, it is probable, from the exposed situation of this colony, and the many navigable rivers and creeks therein, that the attempts of the enemy will be made on different parts thereof: For the better security and defence of the inhabitants, *Be it farther ordained,* That the regiments to be raised and augmented by virtue of this ordinance shall be stationed in such parts of the districts herein after mentioned as the committee of safety may judge most proper, that is to say: Between the rivers Potowmack and Rappahannock two regiments, between Rappahannock and York river two regiments, between York and James river two regiments, and on the south side of James

May be
marched to
different
parts of Uni-
ted Colonies.

Forces,
where to be
stationed.

Regiments
assigned to
different
districts.

river two regiments; and the said committee of safety shall have full power and authority, from time to time, to call the said regiments, or such parts thereof as they may think proper, to any place within this colony, to repel the invasion or attacks of the enemy; provided the forces so ordered shall return to their respective stations so soon as the emergency shall cease, any thing in this, or any former ordinance, to the contrary, notwithstanding.

And for preserving proper rank, and establishing equal pay, among all the officers of the continental army, *Be it ordained*, That all commissions already granted, or hereafter to be granted, by the committee of safety, in pursuance of this and a former ordinance of convention, to any regular officer, be, and the same are hereby declared void, as soon as such officer, or any other in his stead, shall be appointed or commissioned by the general congress; and the pay of every such officer shall, from the time of such appointment, and notice thereof to the committee of safety of this colony, be the same as shall be settled by the said general congress, any thing in this or the said ordinance to the contrary thereof, in any wise notwithstanding.

And whereas so much of the ordinance, intituled An ordinance for raising and embodying a sufficient force for the defence and protection of this colony, as relates to the performance of battalion duty by the minute-men, is found to be inconvenient: *Be it farther ordained*, That so much of the said ordinance, as requires the said duty, be, and the same is hereby repealed.

And be it farther ordained, That where the officers of minute-men heretofore appointed have failed to make up their companies, and shall not complete the same within thirty days after the passing of this ordinance, the committee of the county where any such failure hath happened are required to appoint other officers to such companies, in manner following, that is to say: Where a captain has not enlisted the number of twenty-five, a lieutenant eighteen, and an ensign twelve, in all such cases, the said committee shall appoint other officers in the room of such officers failing to enlist such number of men, unless the failure of making up any company has been occasioned by the men of the said company enlisting into the regular service; and the several minute captains are required, once in every month, to make return of the number of men enlisted

into their companies to the commanding-officers of their respective districts, to be by them transmitted to the committee of safety.

And be it further ordained, That if any officer of a minute company shall enter into the regular service, the committee of the county to which his company belongs shall appoint another officer to supply such vacancy; also, when any of the minute-men shall enlist into the regular service, the officer to whose company such soldier belonged shall forthwith proceed to recruit and enlist others in their room. And if any minute company shall be ordered into service before the same is complete; the same, if amounting to eighteen, shall go under the command of a lieutenant; and if under that number, to be commanded by the ensign of the said company.

Officers, or
privates of
minute men
joining the
regulars,
how their
places sup-
plied.

And be it further ordained, That each minute-man who shall furnish himself with a good musket, or other gun, to be approved of by his captain, shall be allowed by the publick ten shillings per annum, as a consideration for the use thereof, and shall be liable to a fine of twenty shillings for not appearing with the same when called on duty.

Hire of arms
furnished by
minute-men.

And be it further ordained, That in lieu of the oath to be taken by the officers and soldiers, either of regulars or minute-men, as directed by the ordinance intitled An ordinance for the better government of the forces to be raised and employed in the service of the colony and dominion of Virginia, the following oath be by them hereafter taken (except by the people called quakers and menonists, who are required to make a solemn affirmation to the same effect) to wit: *I A. B. do swear, that I will be faithful and true to the colony and dominion of Virginia; that I will serve the same to the utmost of my power, in defence of the just rights of America, against all enemies whatsoever; that I will, to the utmost of my abilities, obey the lawful commands of my superiour officers, agreeable to the ordinances of the convention and the articles of war, to which I have subscribed, and lay down my arms peaceably, when required so to do, either by the General Convention or General Assembly of Virginia. So help me God.* Which oath shall be administered to the general and field-officers of the regulars by the committee of safety, and to the other commissioned officers by the district or county committee by whom such officers shall be appointed;

Oath of offi-
cers and sol-
diers altered

By whom
administer-
ed.

and shall be administered to the other inferiour officers, and men, by a justice of the peace, or any county or corporation committee-man, within twenty four hours after the time of enlistment.

District committees, when and how formed.

And whereas, by a new election of committee-men throughout this colony, pursuant to an ordinance of the last convention, the power of the deputies elected to form the district committees is supposed to be at an end, *Be it therefore ordained*, That the committees of the several counties and corporations within this colony, where the same hath not been already done since their last election, shall appoint such a number of their members respectively, as, in the former ordinance for raising the forces, is limited and directed, to meet in district committees, who shall do and perform what remains to be done by such committees respectively, for carrying into execution this and the former ordinance; and so, as often as a dissolution of any committee, and a new election of others, shall take place, they shall proceed in like manner, to the new election of deputies to represent them in district committee.

Captains and subalterns of minute-men to be appointed by county committees;

Provided always, and be it farther ordained, That where it shall be necessary to appoint a new captain or subaltern commissioned officer of minute-men, upon the death or resignation of one formerly nominated, or on his failing to raise the number of men required by this ordinance, in that case, the appointment of such officer shall be made by the committee of the county or corporation wherein the company was to be raised; and that all vacancies among the field-officers of the minute-men shall be filled up by the district committees, having regard to a regular succession of the officers, according to their rank.

and field-officers by district committees

Officers of minute-men may be commissioned before a return of the completion of all the battalions.

And whereas, by the former ordinance, the committee of safety are restrained from granting commissions to the officers in the minute service until a return is made of the completion of the battalions throughout the colony, which is found inconvenient; *Be it therefore ordained*, That, upon a certificate of the review of any company of minute-men, as in the said ordinance is directed, the committee of safety shall issue commissions to the captain and subaltern officers appointed to command such company, bearing date on the day they were or shall be reviewed; and, as soon as four companies in any district shall appear to have been reviewed, shall grant a commission to the major, bearing date the day

of the last company's review; where seven companies are completed, shall also grant a commission to the lieutenant-colonel, bearing the like date of the review of the last company; and, when the whole battalion is completed, shall grant a commission to the colonel, to be dated the day of such completion; any thing in the said former ordinance contained, to the contrary, notwithstanding.

And be it farther ordained, That where minute companies are called into duty together from several districts, and no field-officer shall attend from either, the committee of safety may appoint any field-officer in the minute service to take the command of such detachment, during the time of their continuance in actual service.

When committee of safety may appoint field officer, to command minute companies.

And be it farther ordained, That hereafter no dissenting minister, who is not duly licensed by the general court, or the society to which he belongs, shall be exempted from bearing arms in the militia of this colony; and that overseers, heretofore exempted, shall be obliged to furnish themselves with arms and ammunition, in the same manner as the militia men, and shall be obliged to act as patrolers when thereto required by the commanding-officer of the militia of the county, or corporation, wherein they reside; and if any militia man, or overseer, shall neglect or refuse so to do, he or they so refusing shall be liable to a fine of five shillings for every neglect or refusal, to be recovered and appropriated in the same manner as the militia fines are directed to be recovered and appropriated.

Dissenting ministers not exempted from militia duty, unless licensed.

Overseers, heretofore exempted, to furnish arms, and act as patrolers.

And for the more expeditious, convenient, and speedy draughting into service detachments of the militia of this colony, as occasion may require, *Be it farther ordained,* That, at the general muster of the militia, to be had in the month of March next, the commanding-officer of each county or corporation shall, by fair and equal lot, cause to be drawn out of each company so many men as will amount to one tenth part thereof, and cause the names of the persons so allotted to be enrolled, who shall from thenceforth be considered as the first division of militia for such county or corporation; and that the commanding-officer shall in like manner proceed, by lot, to fix, one after the other, the nine other divisions of the said militia, enrolling their names in the second division, third, and so on, according to such allotment; and thereafter, if the militia of such county or

Drafts of militia, how made.

Penalty for failing to attend, or find a substitute.

corporation shall be called into duty, the same shall be performed by the divisions, in the order they shall so stand enrolled, one after another, so as to preserve the regular rotation of duty amongst them. And every person so enrolled, who shall fail to attend, when required, or find an able-bodied man to serve in his room, shall be subject to the fines imposed for the like offence by the said recited ordinance, to be by the commanding-officer laid out in bounties to such volunteers as shall be willing to serve in the room of the persons so refusing, if to be had, or otherwise to be appropriated as in the said ordinance is directed.

Officers to command drafts, how appointed.

And be it farther ordained, That the commanding-officer shall appoint proper officers to command the men so called into duty, according to the number, during the time of their being employed in actual service, having regard to the seniority and rank of the officers of the county or corporation in such appointment.

Volunteers may be accepted, in lieu of militia.

Provided always, That if there shall, at any time, be a sufficient number of men, who will voluntarily enter into the service, to answer the demand made upon the militia, of any county or corporation for such assistance, in that case, such volunteers shall be accepted instead of calling on the divisions, as before directed.

And be it farther ordained, That the militia or volunteers to be employed, if not well armed, shall be furnished with arms out of such as belong to the county or corporation, to be returned as soon as they shall be discharged from the service.

So much of former ordinance as exempts from duty in month of February repealed.

And whereas, by a former ordinance, the militia and minute-men are exempted from musters in the month of February, which may be attended with inconvenience to the country, by retarding the discipline of those bodies of men; *Be it therefore ordained,* That so much of the said recited ordinance, as relates to the said exemption, be, and is hereby repealed; and that the minute-men and militia shall do duty in the above-mentioned month, in the like manner as is directed for the rest of the year.

Pay of commanding-officer of militia, when called into service.

And be it farther ordained, That the commanding-officer of the militia of any county shall, when called out on duty, receive the same pay as the like officer in the minute service.

And for the greater encouragement and promotion of the service, *Be it farther ordained,* That there shall be advanced and paid to the several regular soldiers

hereafter to be enlisted a bounty of twenty shillings, upon their enlistment; and that the several regular soldiers already enlisted shall be allowed the like bounty of twenty shillings on their re-enlistment, to serve for such time as the troops hereby to be raised shall be enlisted to serve; and that all regular soldiers and non-commissioned officers shall be exempted from the payment of their personal taxes, during their continuance in the service. And if any of the regulars, minute, or militia-men aforesaid, shall be so maimed or disabled as to be rendered incapable of maintaining themselves, they shall, upon their discharge, be supported at the expense of the publick.

Encouragement to enlist, in regular service.

Bounties.

Exemptions from personal taxes.

Pensions to regulars, minute-men, & militia.

And be it farther ordained, That the court-martial of each county and corporation shall; and they are hereby required to appoint a collector of all fines to be assessed at each sitting of such court, by virtue of this and a former ordinance of convention, who shall enter into bond, with sufficient security, for the due collection and accounting for all fines by them collected in consequence of such appointment, and is hereby required to demand and receive the several fines ordered by the courts-martial respectively to be levied; and in case of non-payment, on or before the tenth day of May, annually, to levy the same by distress and sale of the goods of the person refusing, according to the laws enabling the sale of goods distrained for rent. And if any collector shall fail to account for and pay what he shall have received, or might have received, of such fines, to the receiver appointed for that purpose, deducting six per centum for his commissions in collecting, it shall be lawful for the court of the county or corporation, upon motion of the receiver, to give judgment for the same, with costs, against such collector and his securities, his or their executors and administrators, provided they have respectively ten days previous notice of such motion.

Collectors of fines, how appointed.

Remedy, by distress.

Motion against collector, for failure to pay.

And be it farther ordained, That the fines inflicted for disobedience to this ordinance shall be levied and applied as the fines are directed to be levied and applied by the ordinance intituled An ordinance for raising and embodying a sufficient force for the defence and protection of this colony.

Fines, how appropriated.

And to prevent the harbouring of deserters from the forces, already, or hereby to be raised: *Be it farther ordained,* That whoever shall harbour or conceal any

Penalty for harbouring deserters.

person, being a deserter, and knowing him to be such, for every such offence shall forfeit and pay the sum of five pounds, or, on failure thereof, receive ten lashes on his or her bare back.

General ap-
propriation
for pay of
army, if
Congress
should not
take troops
in their pay.

And be it farther ordained, That the treasurer of this colony shall and may apply the money which may be in his hands, pursuant to an ordinance of the last convention, for the purposes of that and the other ordinances and resolutions of this and a former convention; and if there shall be a deficiency, and the continental congress should not supply it, by taking our troops, or part of them, into their pay, this convention will make a farther provision for the troops raised, or to be raised.

Supply of
paper, for
paper money,
how procu-
red.

And whereas the paper on which the treasury notes were directed to be issued, by an ordinance of the last convention, falls much short of the quantity expected: *Be it farther ordained,* That the treasurer of this colony for the time being shall, and he is hereby authorised to procure a sufficient quantity of other proper paper, to make up the deficiency; to be used as directed by the said ordinance, and for the purposes therein and hereby appointed, and no other.



CHAP. II.

An ordinance for appointing sheriffs.

Preamble, WHEREAS by an act of assembly made in the twenty second year of the reign of his late majesty king George the second, intituled An act prescribing the method of appointing sheriffs, and for limiting the time of their continuance in office, and directing their duty therein, it is among other things enacted, that every county court of this dominion shall annually, between the last day of June and the last day of August, present to the governor, or commander in chief of this colony for the time being, a list or recommendation of three persons named in the commission of the peace for their county, one of which persons so recommended shall thereupon be commissioned by the said governour or commander in chief to execute the

See also original p. 141

CHAP. XII.

An ordinance for amending an ordinance for raising and embodying a sufficient force for the defence and protection of this colony, and for other purposes therein mentioned.

WHEREAS by an ordinance, intituled An ordinance for raising and embodying a sufficient force for the protection and defence of this colony, all overseers of four tithables residing on a plantation, and all millers, are exempted from being enlisted into the militia of their respective counties, which said exemption of overseers and of millers residing in the counties of Accomack and Northampton, on the eastern shore, hath been found inconvenient and unnecessary: *Be it therefore ordained, by the delegates and representatives of the several counties and corporations of Virginia, in general convention assembled, and it is hereby ordained by the authority of the same, That all overseers, and all quakers and menonists, in Virginia, and all millers residing in the counties of Accomack and Northampton, shall be enlisted into the militia* by the commander in chief of the respective counties, and be subject to the same rules and regulations, and liable to the same pains, penalties, and forfeitures, as the rest of the militia; and the said overseers, quakers, and menonists, shall be immediately allotted to the several divisions of militia in their respective counties, in the manner prescribed by a former ordinance respecting the division of the militia in this colony, except in the counties of Accomack and Northampton; but the said quakers and menonists shall not be obliged to attend general or private musters.

And be it farther ordained, That where it shall be necessary to call on duty the militia of any colony, upon an invasion or insurrection within the same, or any county adjoining, the commanding-officer shall have full power and authority to order into service such part of the militia of his said county as to him shall seem necessary, and shall also call in the divisions, or any part thereof, according to allotment; and the militia first called on duty shall be discharged as soon as the

All overseers, quakers, and menonists, and all millers in Accomack and Northampton, to be enrolled in militia.

But quakers and menonists not obliged to attend musters

Power of commanding officer of county, to call militia into service.

divisions called in shall be ready to perform the service required of such division. And where any soldier of the militia shall fail to appear at musters through sickness, the captain, or other commanding-officer of such company present, shall and may hear any evidence offered on behalf of such person failing to attend, and admit the excuse, if to him it shall seem just, and for that purpose is hereby empowered to administer an oath to any witness who shall appear before him to prove such sickness.

His power to excuse, on account of sickness, &c.

And where any minute company hath heretofore been completed, and hath been reduced by enlistments into regular service, if the captain hath thirty two men remaining in his company, he shall go into the training duty, and receive pay in the same manner as if his said company was actually complete; and where any minute company hath not been raised pursuant to the directions of a former ordinance of convention, and shall not be raised within two months from the passing of this ordinance, the men enlisted shall return into, serve in the militia, and be allotted as is directed in the case of overseers.

Minute companies not complete, to return to the main body of the militia.

And whereas, by the said ordinance, it is farther ordered, that there shall be a private muster of the several companies of each county once a fortnight, which, from experience, is found burthensome: *Be it therefore farther ordained, by the authority aforesaid,* That there shall be a private muster of the several companies in each county or corporation once in four weeks, and no oftener.

Number of private musters reduced.

And for as much as the minute company in the city of Williamsburg, by the frequent enlistments of the privates into the regular service, is reduced to so small a number that the same cannot be again completed: *Be it therefore ordained, by the authority aforesaid,* That the remaining minute-men in the said city shall be discharged, and from that service return to be enlisted with the militia thereof.

Minute company of Williamsburg, how disposed of.

And whereas, by the said recited ordinance, the court of Hustings in the city of Williamsburg is to have jurisdiction and to adjudge all penalties to be inflicted under the same on the militia officers and soldiers in the said city, either for neglect of duty or misbehaviour, and it is represented to this convention that it is difficult and inconvenient to hold such courts: For remedy whereof, *Be it therefore ordained,* That courts-martial

Courts-martial, in Williamsburg, instead of court of Hustings, to punish delinquents.

for punishing delinquents of the militia in the said city shall be held by the field-officers and captains therein, and not by the court of Hustings.

And for as much as the mode of draughting the militia, and arranging them into divisions, as the said recited ordinance requires, hath been found inconvenient in the counties of Accomack and Northampton, *Be it therefore ordained, That draughts of the militia of the said counties of Accomack and Northampton, when necessary, shall be made in the manner directed by the last act of general assembly for making provision against invasions and insurrections.*

Drafts in Accomack and Northampton, how made.

And be it farther ordained, That so much of the recited ordinance, together with so much of the ordinance intituled An ordinance for raising an additional number of forces for the defence and protection of the colony of Virginia, and for other purposes therein mentioned, as comes within the purview of this ordinance, shall be, and the same is hereby repealed.

Part of former ordinances repealed.

CHAP. XIII.

An ordinance to supply certain defects in a former ordinance of this convention for raising six troops of horse.

[See ante chap. XI.]

WHEREAS, by an ordinance passed the present session of convention, six troops of horse are directed to be raised for the farther protection and defence of this colony, which ordinance, so far as it respects such troops, is found defective in many instances:

For remedy whereof, *Be it ordained, by the delegates and representatives of the several counties and corporations of Virginia, now assembled in general convention, and it is hereby ordained by the authority of the same, That the commissions to the several officers appointed to command the said six troops of horse shall issue as follows: To a captain, when it shall appear he hath enlisted fifteen troopers; to a lieutenant, when it shall appear he hath enlisted twelve troopers; and to a*

When commissions to officers of cavalry to issue.

GENERAL ASSEMBLY.

BEGUN AND HELD

At the Capitol, in the City of Williamsburg, on Monday the fifth day of May, in the year of our Lord one thousand seven hundred and seventy seven, and in the first year of the Commonwealth.

Patrick Henry, esq. governor.

See also original
pp. 268, 269, 270

CHAP. I*.

An act for regulating and disciplining the Militia.

FOR forming the citizens of this commonwealth into a militia, and disciplining the same for defence thereof, *Be it enacted by the General Assembly, That all free male persons, hired servants, and apprentices, between the ages of sixteen and fifty years* (except the governor and members of the council of state, members of the American congress, judges of the superiour courts, speakers of the two houses, treasurer, attorney general, commissioners of the navy, auditors, clerks of the council of state, of the treasury, and of the navy board, all ministers of the gospel licensed to preach according to the rules of their sect, who shall have previously taken before the court of their county an oath of fidelity to the commonwealth, postmasters, keepers of the publick jail and publick hospital, millers, except in the counties of Accomack and Northampton, persons concerned in iron or lead works, or persons solely employed in manufacturing fire arms, and military officers or soldiers, whether of the continent or this commonwealth, all of whom are exempted from the obligations of this act) shall, by the commanding officer of the county in

All free male persons, between 16 & 50 years to be enrolled in the militia.

Except certain exempts

* In the original, all the *chapters* of the acts of this session are numbered, except the first; but none of them are distinguished by *sections*.

Organized into companies and battalions. which they reside, be enrolled or formed into companies of not less than thirty two, nor more than sixty eight, rank and file, and these companies shall again be formed into battalions of not more than one thousand, nor less than five hundred men, if there be so many in the county. The free mulattoes in the said companies or battalions shall be employed as drummers, fifers, or pioneers. Each company shall be commanded by a captain, two lieutenants, and an ensign; each battalion by a colonel, lieutenant colonel, and major, who shall take precedence and command of each other according to rank and seniority, and the whole by a county lieutenant. These officers shall be resident within their county, and before they enter on the execution of their office shall, in presence of the court of the same county, take the following oath: I do swear, that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen, and that I will faithfully and justly execute the office of a _____ in the militia of the county of _____ according to the best of my skill and judgment. So help me God.

Free mulattoes how employed.

Officers to companies and battalions.
County lieutenant to command the whole.

Oath of officers.

Company musters.

General musters.

How notified.

Officers and privates how armed and accoutred.

There shall be a private muster of every company once in every month, except the months of January and February, at such convenient time and place as the captain, or next commanding officer, shall appoint, and a general muster in each county at a convenient place, near the centre of the county, on some day in the months of April and October, in every year, to be appointed by the county lieutenant, or other commanding officer: For notifying the time and place whereof, the captains, or next commanding officers, shall have power to order so many of their serjeants as they shall think fit to give notice to every person belonging to the company of the time and place of such general or private muster, as the case may be; and if any serjeant, so appointed, shall fail in his duty, he shall forfeit and pay forty shillings for every such failure. Every officer and soldier shall appear at his respective muster-field by eleven o'clock in the forenoon, armed or accoutred as follows: The county lieutenant, colonels, lieutenant colonels, and major, with a sword; every captain and lieutenant with a firelock and bayonet, a cartouch box, a sword, and three charges of powder and ball; every ensign with a sword; every non-commissioned officer and private with a rifle and tomahawk, or good fire-

lock and bayonet, with a pouch and horn, or a cartridge or cartridge box, and with three charges of powder and ball; and, moreover, each of the said officers and soldiers shall constantly keep one pound of powder and four pounds of ball, to be produced whenever called for by his commanding officer. If any soldier be certified to the court martial to be so poor that he cannot purchase such arms, the said court shall cause them to be procured at the expense of the publick, to be reimbursed out of the fines on the delinquents of the county, which arms shall be delivered to such poor person to be used at musters, but shall continue the property of the county; and if any soldier shall sell or conceal such arms, the seller or concealer, and purchaser, shall each of them forfeit the sum of six pounds. And on the death of such poor soldier, or his removal out of the county, such arms shall be delivered to his captain, who shall make report thereof to the next court martial, and deliver the same to such other poor soldier as they shall order.

Arms, for the poor, how provided.

Penalty for selling or concealing arms.

And if any poor soldier shall remove out of the county, and carry his arms with him, he shall incur the same penalty as if he had sold such arms; and if any persons concerned in selling or concealing such arms shall be sued for the said penalty, and upon conviction and recovery shall fail to make payment, he shall suffer such corporal punishment as the court before whom the recovery shall be shall think fit, not exceeding thirty nine lashes. And the lieutenant of any county may recover any arms, so sold, concealed, or bought, contrary to this act, by action or petition in detinue or trover, with costs. Each captain shall, at every muster, either by himself or some sworn officer, note down the delinquencies occurring in his company, and make return thereof to the next court martial; but where any person is disabled by sickness from attending, the captain, or commanding officer, being satisfied thereof by testimony on oath, which he is hereby enabled to administer on the spot, shall not note down such non-attendance. Every officer and soldier shall be allowed six months after his appointment or enrollment to provide such arms or accoutrements as he had not at the time. All arms and ammunition of the militia shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from, any muster or court mar-

Removing arms out of the county.

How recovered.

Delinquents, how noted.

Time allowed to provide arms.

Arms exempted from executions and distresses, and persons from arrests.

Drummers and fifers. **tial.** Each captain shall appoint a drummer and fifer to his company, and also shall provide a drum, fife, and colours for the same, at the publick expense, to be reimbursed out of the fines on the delinquents of his county.

Adjutants. One or more adjutants shall be appointed by the court martial of each county to attend musters general and private, and instruct the officers and soldiers in military duty, who shall continue in office till the next court martial, and have an allowance by the said court not exceeding the rate of fifty pounds a year each, to be paid out of the fines; or if they be not sufficient, the deficiency to be supplied by the justices of the same county in their next county levy, on certificate from the court martial of such deficiency.

Returns, how made. Every captain, or next commanding officer, shall, at every general muster, make up and report to his county lieutenant a state of the company last assigned to him, noting therein such as are dead, removed, or exempted, and adding the names of such persons, not already enrolled, as are within the extent of his company, and ought to be enrolled; and, on failure to make such report, shall forfeit five pounds.

Fines, for various delinquencies. For failing to qualify himself to a commission at the first or second court which shall be held, after accepting the same, every officer shall forfeit five pounds. For failing to enrol the militia, or to appoint a general muster, the county lieutenant, or, if he be absent on necessary business, the next commanding officer, shall forfeit one hundred pounds. For not appointing a private muster, the captain, or next commanding officer, shall pay forty shillings. For failing to appear at any general muster properly armed, or at any court martial, every county lieutenant and field officer shall pay ten pounds. For failing to appear at any court martial, every captain shall pay forty shillings. For failing to appear at any general or private muster properly armed or accoutred, every captain shall forfeit forty shillings, every lieutenant or ensign twenty shillings, every non-commissioned officer or soldier five shillings. For not returning to the next court martial a true list of delinquencies in his company, every captain, or commanding officer for the time, shall forfeit ten pounds. Every officer failing to furnish himself with one pound of powder shall forfeit and pay ten shillings, and the same for failing to furnish himself with four pounds of ball; and every soldier failing therein shall likewise be liable for the same penalties, which

penalties, where incurred by infants, shall be paid by the parent or guardian, and where incurred by servants shall be paid by the master, who, if such delinquency were without his influence or direction, may retain so much out of the hire of such servant, or be compensated by farther service, to be ascertained by the county court. If any officer, when on duty, shall misbehave, he may be put under arrest, for the day, by his commanding officer; and the next court martial, if required, shall inquire into such misbehaviour, and either censure the same, or make report thereof to the governour and council, who, if the cause be sufficient, shall thereupon degrade such officer. If any soldier, at any muster, shall refuse to obey the command of his officer, or shall behave himself refractorily or mutinously, or misbehave himself at a court martial, the commanding officer, or court martial, may, in like manner, put him under arrest for the day, or may cause him to be bound, neck and heels, for any time not exceeding five minutes. If any bystander interrupt, molest, or insult any officer or soldier while on duty, at any general or private muster, or misbehave before any court martial, the commanding officer, or court martial, may put him under arrest for the day. The county lieutenant, field officers, and captains, or the greater part of them (whereof the county lieutenant or a field officer shall be one) shall hold a court martial at the courthouse of their county, or at, or convenient to, the place where the general muster shall be, on the day following their general muster, having first taken the following oath: I do swear, that, as a member of this court martial, I will do equal right and justice to all men, according to law. So help me God. Which oath shall be administered to the presiding officer by the next in command, and then by such presiding officer to the other members. The said court may adjourn from day to day, and shall have power to exempt all persons enrolled whom, from age or inability, they may adjudge incapable of service; and shall also inquire, by testimony, on oath, (which the clerk is hereby enabled to administer) into all delinquencies against this act which shall have happened since the last court martial, and where no reasonable excuse for the same is made appear to them, shall give judgment for the penalties thereto annexed. But if it shall appear to the next court martial that any person fined for such delinquency was unable to attend

Fines incurred by infants and servants how paid.

Misbehaviour in officer.

Disobedience in soldiers.

Bystanders, how punishable.

Courts martial, how constituted.

Oath.

Their powers and duties.

	the court, by which he was fined, and had reasonable excuse for the delinquency, such fine shall be remitted.
Clerk	The said court shall have power to appoint a clerk to enter and preserve their proceedings, to whom the president shall administer an oath, truly and faithfully to execute the duties of his office, and may also appoint a provost martial to attend on the said court for the preservation of order and good behaviour. And
Provost-martial.	all fines shall be collected by the sheriff of the county, who shall have power to levy the same in like manner, and be entitled to the like fee, as in case of execution by <i>fieri facias</i> ; and on failing, without reasonable cause, or refusing to make such collection, shall be held accountable for the same, to be recovered with costs, before any court of record, by action, to be brought, in the name of the members of such court martial, or the survivors of them; and after collecting the same, if he shall refuse to pay them to the order of the said court martial, judgment, on motion, in the court of the said county, shall be given, and execution awarded against him and his securities for the same, with costs, they having ten days previous notice of such motion. And the said court martial shall also appoint some person, not being a member of the said court, to be a bursar, who shall receive from the collector all fines by him collected, and all sums of money recovered from him, and who, before he enters on the execution of his office, shall give bond, with sufficient security, payable to the members of the said court and their successors, for the due payment of all such monies which shall come to his hands. And
Fines, how collected,	if any bursar shall fail or delay to account with the said court, or to apply the money in his hands as by them directed, after deducting at the rate of five per centum for his own trouble, on motion made in any court of record, by any person authorised to receive money for him, or by any other by order of the said court martial, judgment shall be given, and execution awarded for the sums so unpaid or unaccounted for, together with the costs of the motion, the defendants having first had ten days notice of such motion.
Remedy against sheriff.	All fines imposed by this act shall be appropriated, in the first place, to the payment of the salaries and allowances to the adjutant, clerk, provost martial, collectors, and bursar, then to reimbursing the publick treasury for any arms purchased for the poor soldiers
Bursar his appointment and duty,	
Penalty for misapplication of money.	
Fines, how appropriated.	

of such county, and for drums, fifes, and colours, bought for the several companies; and if any surplus remain, it shall be laid out by the court martial in establishing and furnishing, for the use of their county, a magazine of small arms, field pieces, ammunition, and such other military stores as may be useful in case of invasion or insurrection.

And be it enacted, that it shall and may be lawful for the chief officer of the militia in every county, and he is hereby required, some time before the tenth day of August, yearly, to appoint an officer, and so many men of the militia as to him shall appear to be necessary, not exceeding four, once in every month, or oftener, if thereto required by such chief officer, to patrol and visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons, as aforesaid, unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and to carry them before the next justice of the peace, who if he shall see cause, is to order every such slave, servant, or stroller, or other disorderly person, as aforesaid, to receive any number of lashes, not exceeding twenty on his or her bare back, well laid on.

Patrollers,
how ap-
pointed.

Their power
and duty.

And in case one company of patrollers shall not be sufficient, to order more companies for the same service; and after every patrol the officer of each party shall return to the captain of the company whereunto he belongs a report in writing, upon oath (which oath such captain is hereby empowered to administer) of the names of those of his party who where upon duty, and of the proceedings in such patrol. And such captain shall, once in every month, deliver such patrol returns to the county lieutenant, or other chief commanding officer in his county, by whom they shall be certified and delivered to the next court martial; and if they shall adjudge the patrollers have performed their duty according to law, the chief officer shall certify the same to the county court, who upon such certificates, are hereby empowered and required to levy fifteen pounds of tobacco, or two shillings and sixpence, for every twelve hours each of them shall so patrol. And every commanding officer of the militia failing to appoint patrollers, according to the directions of this act, shall

Patrol re-
turns.

Compensa-
tion.

Fines for ne-
glect.

forfeit and pay the sum of fifty pounds; and every person appointed to patrol in pursuance of this act, and failing to do his duty, shall forfeit and pay the sum of twenty shillings for every such failure; which fines shall be laid by the court martial of the county, and shall be collected, accounted for, and appropriated, as is herein before directed for the collecting, levying, accounting for, and appropriating, the several fines and penalties herein before laid.

This act not to disqualify militia officers, heretofore appointed.

All other acts and ordinances, so far as they relate to regulating and disciplining the militia of the several counties, are hereby repealed: *Provided*, nothing in this act shall be construed to alter or change any thing contained in the general constitution or form of government, or to disqualify any militia officers heretofore appointed from acting by virtue of such commissions respectively; *and provided also*, that any court martial, which shall be held by virtue of this act, shall hear and determine any delinquency committed or done before the passing thereof, according to the laws in force at the time of the commission of the offence.

This act shall be read to every company of the militia, by order of the captain, or next commanding officer thereof, at the first muster next succeeding every general muster, on penalty of five pounds for every omission.

CHAP. II.

See also original
p. 277

An act for the more speedily completing the Quota of Troops to be raised in this commonwealth for the continental army, and for other purposes.

WHEREAS it is of the greatest moment to the cause of America that the continental army be speedily completed, *Be it therefore enacted by the General Assembly*, That any two of the militia of any county, city, or borough, who shall, before the first day of October next, procure one able bodied soldier, other than an apprentice or servant, within the time of his conviction or indenture, and those employed in the publick manufactories of fire arms, to serve for the term of three years, or during the present war, in either of the first nine battalions raised within this commonwealth, and shall deliver such recruit to any officer in one of the said battalions, taking his receipt, which such officer is hereby required to grant, and also procuring the certificate of the justice before whom such recruit shall be sworn, shall be exempted from all draughts whatever, and from attending private and general musters in the respective militia to which they belong, which exemption shall continue during the term for which such recruit shall be enlisted; and the recruit so enlisted shall be entitled to, and receive the continental bounty, and other allowances, over and above all private gratuities, provided that the number of soldiers so enlisted shall not exceed the twentieth part of the militia of each county, city, or borough, within this commonwealth.

Any two militia procuring a recruit for three years, or the war, exempted from drafts or muster.

And be it farther enacted, That it shall be lawful for every recruiting officer to enlist all able bodied young men above the age of sixteen years, any apprentice or servant, except hired servants, under written contracts, at any iron works, and those employed in the publick manufactory of fire arms, during the time of such contracts, and also all apprentices at such works, during the time of service, legally due by indenture, without leave, in writing, from the owner, or his manager at said works, first obtained, except likewise every imported servant; and that the persons of all sol

Apprentices and servants may be recruited.

Soldiers, how
far free from
arrests.

Summary
mode of dis-
charge.

Restrictions
in issuing
writs against
soldiers.

Drafts to
complete
the 6 addi-
tional batta-
lions.

Mode of
drafting.

diers whatever in the service of the continent, or of this commonwealth, shall be free and exempt from all arrests and restraints whatever, for any debt or demand not exceeding fifty dollars, or the value thereof. And if any soldier shall be arrested or restrained of his liberty, contrary to the directions of this act, it shall be lawful for any justice of the peace upon complaint to him made by warrant, under his hand and seal, to order such soldier to be forthwith discharged from his confinement; and if any civil officer shall keep in confinement, or detain in his custody, any such soldier for the space of two hours after receipt of such warrant, he shall forfeit and pay to such soldier the sum of fifteen pounds, to be by him recovered, with costs, by action of debt or on the case, in any court of record. And to prevent a soldier's being unjustly detained, it shall not be lawful for the clerk of any county, or other inferior court, to issue a writ against any such soldier until the plaintiff hath made oath to the justness of the demand, and that the debt was contracted prior to the enlistment of such soldier, a certificate of which affidavit shall be endorsed on the back of the writ.

And be it farther enacted, That all soldiers in the service of this commonwealth, who have, by the terms of their enlistments engaged to serve for one year, and received one part of the bounty money only, shall be retained in the service until the expiration of the time for which they enlisted.

And whereas, by an act of the last assembly, by which six additional battalions were directed to be raised within this commonwealth, towards completing its quota of the continental army, the several proportions of men to be furnished by each county, city, and borough, were fixed as equally as could be, according to the numbers of their respective militias, and many officers have failed to enlist the quota to them respectively allotted, and notwithstanding the various encouragements formerly given, and now offered by this act, it may happen that the deficiencies will not be supplied in time, so that at length it may become necessary, for the defence and security of this and the other states, that a just and equal draught of men should speedily take place:

Be it therefore enacted, That for the more speedy and certain completion of the said six new battalions, every county, city, and borough, except the counties of Kentucky, Ohio, Monongalia, and Yohogania, in case the

officer or officers by them appointed, or to be appointed, have not already, or shall not, on or before the tenth day of August next, enlist the quota of men allotted to such officer or officers, shall make up such deficiency by draughts, to be taken from their respective militias in manner following, that is to say: The county lieutenant, or other commanding officer, so soon as conveniently may be, after the said tenth day of August, shall summon the field officers of their respective militias, and the four first magistrates in the commission of the peace, not being field officers, and, together with the said field officers, or any two of them, and the said magistrates, or any two of them, having first taken an oath, to be administered by any justice of the peace, faithfully and impartially to make the allotments and divisions of the militia as directed by this act, shall first ascertain the aforesaid deficiency in their respective county, city, and borough, and immediately proceed to divide the whole militia of each county, city, and borough, including captains and other inferior officers, into as many lots, as there may be men wanting to supply their quota, including the field officers and the four eldest magistrates in the commission of the peace, who shall be considered as one of the divisions, taking care to allot to each division, other than that composed of the field officers and magistrates, as many able bodied men as convenience will admit, having regard to the property of each individual composing such divisions, so as to make the number of able bodied men, and the property in each, as equal as may be; that each of the said other divisions shall be required to furnish one man; and in case any such division refuse, or neglect to do so in fifteen days, that then the field officers and magistrates, as aforesaid, having made themselves acquainted with the situation and circumstances of each division, shall meet at such convenient place as they shall appoint, and having first taken an oath, to be administered by any justice of the peace, to act with impartiality, shall fix upon and draught one man, who, in their opinion, can be best spared, and will be most serviceable, from the division so refusing or neglecting; and the said field officers and magistrates, for their division, shall either procure an able bodied man to enlist, or, in default thereof, shall each of them pay the sum of fifty shillings, as an additional bounty to an able bodied man whom the officer appointed to recruit for the deficiency

in such county may procure to enlist for the said field officers and magistrates; and the person so furnished or draughted shall, to all intents and purposes, be considered as a regular soldier, shall receive the same bounty, and other allowances, over and above all private gratuities, remain in the service three years, if the war should so long continue, and be subject to the same penalties for desertion and other offences as if he had voluntarily enlisted, unless he shall procure an able bodied man to serve in his room.

Provided, That where it may be necessary to make draughts from any county divided this present session of assembly, the field officers and magistrates, as aforesaid, in each county, shall proceed in the manner before directed; but the draughts necessary to make up the deficiency of the county, when entire, shall be proportioned to the number of militia remaining in each distinct county. And every commanding officer failing to summon the field officers and magistrates, as before directed, shall forfeit and pay five hundred pounds; and every field officer and magistrate failing to attend, as before directed, shall for each failure, without a sufficient excuse, forfeit and pay the sum of one hundred pounds, to be recovered, with costs, in the court of the county where such delinquent resides, by action of debt, or information by any person suing for the same, one moiety to be appropriated to the use of the person suing, and the other moiety to the use of this commonwealth, over and above the fines already imposed by the militia and invasion laws.

And whereas, for the better garrisoning the several fortifications, and for the farther defence of this state, it is expedient and necessary that some other provision should be made: *Be it enacted,* That a battalion of ten companies of artillery, one company of which to be composed of artificers, shall be forthwith raised, each company to consist of one captain, three lieutenants, one serjeant, four bombardiers, eight gunners, and fifty six matrosses, to be commanded by one colonel, one lieutenant colonel, and one major, to be appointed by joint ballot of both houses of assembly and commissioned by the governour; the captains and lieutenants to be appointed by the governour, with the advice of the privy council, and commissioned by the governour; the serjeants, bombardiers, and gunners, by the colonels. To this battalion there shall be al-

Fines for neglect.

Battalion of artillery for garrison duty to be raised.

Officers.

lowed a chaplain, surgeon, and one or two surgeon's Staff-mates, as need may require; the chaplain and surgeon to be appointed by the field officers and captains, and the surgeon's mates by the surgeon himself. There shall be allowed as pay, besides customary rations, to Pay. a colonel two dollars and an half, to a lieutenant colonel two dollars, to a major one dollar and two thirds, to a captain one dollar and one third, to a lieutenant one dollar, to a serjeant two thirds of a dollar, to a bombardier one half of a dollar, to a gunner one third and one twelfth of a dollar, and to each matross, not being an artificer, one third of a dollar, and if an artificer two thirds of a dollar, to the chaplain a dollar and one third, to the surgeon a dollar and two thirds, and to a surgeon's mate one dollar, per day. Each private shall be entitled to, and receive the same bounty, and other allowances, as the soldiers in the other commonwealth battalions are entitled to. The captains and inferiour officers shall enlist their men in the same proportion, and in case of failure or neglect be subject to removal, at the discretion of the Governour and Council; the companies to be reviewed, their rank established in the same manner, and at the same time, as is directed in the other battalions, and their pay commence from the time of completing their respective proportions; the pay of the colonel, lieutenant colonel, and major, shall commence so soon as they shall be called into service, and receive their respective commissions.

And to defray the expense of recruiting, *Be it enacted*, that every officer shall receive the sum of forty shillings for every recruit he shall enlist. Recruiting expenses.

And be it farther enacted, that the several county courts may, and they are hereby required, to provide, at the publick expense, provisions and all other necessities for the support and comfortable subsistence of the wives, children, and aged parents, of all poor soldiers who cannot by their own industry support themselves during their absence from home in the publick service, and for paying of the same may draw upon the treasurer for the time being, who is hereby required to pay for the same out of the publick money in his hands. Provision for wives, children & aged parents of poor soldiers while absent.

And be it enacted, that all soldiers who have already enlisted, or shall hereafter enlist, into either of the battalions of this commonwealth, shall, for their farther Soldiers supplied out of public

stores at
prime cost.

encouragement, be supplied out of the publick store with such clothing and other necessaries as it will afford, and their commanding officers may direct, at the prime cost thereof, without any advance whatever.

Warwick &
Elizabeth
City, what
proportion
of men to
raise.

And whereas the county of Warwick was omitted in the allotment of the proportion or quota of men to be furnished by each county towards raising and completing the six last continental battalions, and the county of Elizabeth City was directed to raise an ensign and ten men, which, from the exposed situation of the county last mentioned, is an over proportion: *Be it farther enacted*, that the said county of Warwick shall furnish four men of the quota to be raised by Elizabeth City, in manner as is by this act directed.

State artille-
ry, when
marched out
what pay en-
titled to.

And be it farther enacted, that when it shall be found necessary to march the battalion of artillery to be raised by virtue of this act to the assistance of any other state, the pay of the officers and soldiers of the said battalion shall be equal to the pay of artillery officers and soldiers in the continental service, so long as they continue in that service.

No negro
to be enlist-
ed, without
a certificate
of freedom.

And whereas several negro slaves have deserted from their masters, and under pretence of being free men have enlisted as soldiers: For prevention whereof, *Be it enacted*, that it shall not be lawful for any recruiting officer within this commonwealth to enlist any negro or mulatto into the service of this or either of the United States, until such negro or mulatto shall produce a certificate from some justice of the peace for the county wherein he resides that he is a free man.

CHAP. VII.

See also original
pp. 292, 293, 294

An act for providing against Invasions and Insurrections. [Chan. Rev. pa. 52]

I. FOR making provision against invasions and insurrections, and laying the burthen thereof equally on all: *Be it enacted by the General Assembly, That* the division of the militia of each county into ten parts, directed by an ordinance of general convention, shall be completed and kept up in the following manner: The commanding officer of every county, within one month after every general muster, shall enrol under some captain such persons, not before enrolled, as ought to make a part of the militia, who, together with those before enrolled, and not yet formed into tenths, shall by such captain, at his first muster after receiving the same, be divided into ten equal parts as nearly as may be, each part to be distinguished by fair and equal lot, by numbers from one to ten, and when so distinguished to be added to and make part of the division of the militia of such county already distinguished by the same number. And where any person subject to such allotment shall not attend, or shall refuse to draw for himself, the captain shall cause his lot to be drawn for him by some other, in presence of the company; and as soon as such division shall be made, the captain shall make return thereof to the commanding officer of the county. For failing to make such division, or to return the same, the captain shall forfeit ten pounds, to be assessed by the court martial of his county. When any officer of the militia shall receive notice of any invasion or insurrection within his own county, he shall immediately give intelligence thereof to the commanding officer of the county, and if the urgency of the case requires it, he shall forthwith raise the militia under his special command, and proceed to oppose the enemy or insurgents. The commanding officer of the county, on receiving notice thereof, shall immediately, if the case will admit delay, or the danger be greater than the force of his own militia may be able to encounter, communicate the same to the governour by express, for which purpose he may impress boats, men, and horses, and may also notify it to any militia officer of the adjacent counties, to be by him forwarded to his commanding

Allotment
of militia for
regular rou-
tine of duty.

How made.

Penalty for
neglect.

Duty of offi-
cers, on inva-
sions or in-
surrections.

422. Va.—General Assembly, Williamsburg; Va. Laws, W. Hening,
Vol. 9, 1821; Act, May 5, 1777, pp. 291–297.

Duty of executive.

officer; and in the mean time, if it be urgent, shall raise such part of his own militia as the case shall require and admit. The commanding officer of any adjacent county, receiving the notice so forwarded, shall immediately raise such part of his militia as the circumstances of the case may require, and order them to the assistance of such adjacent county; but any officer thinking the case of too small consequence to require these proceedings, may call a council of war, to consist of a majority of his field officers and captains, or of a field officer and of five captains at the least, and take their advice whether any and what force shall be raised or sent, or whether they may await the governour's orders. The governour, on receiving such intelligence, may, with the advice of the council of state, cause to be embodied and marched, to oppose such invasion or insurrection, such numbers of the militia as may be needful, and from such counties as will suit the exigence of the case, and, if the corps consist of three or more battalions, may appoint a general officer or officers, as the case may require, to take command thereof.

Militia called out in rotation.

Failing to attend or find a substitute, deemed a deserter.

Volunteers accepted.

If case urgent, nearest militia may be called out, till relieved by those in turn.

Arms, how provided.

Punishment for embezzling.

II. The several divisions of the militia of any county shall be called into duty by regular rotation, from the first to the tenth; and every person failing to attend when called on, or to send an able bodied man in his room, shall, unless there be good excuse, be considered as a deserter, and suffer accordingly. Any able bodied volunteers who will enter into the service shall be accepted instead of so many of the divisions of the militia called for, or of the particular person in whose room they may offer to serve; but if the invasion or insurrection be so near and pressing as not to allow the delay of calling the division or divisions next in turn, the commanding officer may call on such part of the militia as shall be most convenient to continue in duty until such division or divisions can come in to supply their places. The soldiers of such militia, if not well armed and provided with ammunition, shall be furnished with the arms and ammunition of the county, and any deficiency in these may be supplied from the publick magazines, or if the case admit not that delay, by impressing arms and ammunition of private property, which ammunition, so far as not used, and arms, shall be duly returned, as soon as they may be spared. And any person embezzling any such publick or private arms, or not delivering them up when required by his com-

manding officer, shall, on his warrant, be committed to prison without bail or mainprize, there to remain till he deliver or make full satisfaction for the same, unless he be sooner discharged by the court of his county. The commanding officer shall appoint such officers of the militia as he shall think most proper to command the men called out by divisions, in the following proportions: If there be called into duty not more than twenty, nor less than fifteen, he shall appoint one ensign and one serjeant to command them. If not more than thirty, or under twenty men, a lieutenant, an ensign, and two serjeants. If not more than fifty men, a captain, lieutenant, ensign, and three serjeants. If sixty eight men, a captain, two lieutenants, an ensign, and four serjeants. And if not more than one hundred and fifty, nor less than one hundred, a major shall command. If more than one hundred and fifty, and not exceeding two hundred and fifty, a lieutenant colonel shall command, and have under him a major, with the proper number of captains and other officers. A colonel to command any number of men not exceeding five hundred, nor under two hundred and fifty. A county lieutenant to command any number of men above five hundred, and not exceeding a battalion. A distinct list of the names and numbers of officers and soldiers sent on duty, and of all persons impressed, with the time they served, attested, on oath, by the officer commanding such party, shall be certified by the commanding officer of the county to the auditors of publick accounts, to be by them examined and certified to the treasurer, for payment of what may be justly due.

Officers, how
detailed.

How officers
and soldiers
paid.

III. Any officer resigning his commission on being called into duty by the governour, or his commanding officer, shall be sent on the same duty as a private, and shall, moreover, suffer punishment as for disobedience of command.

Resignation
when called
out, how
treated.

IV. The commanding officer of the corps marching to oppose any invasion or insurrection, or any commissioned officer, by warrant under the hand of such commander, may, for the necessary use of such corps, or for the transportation of them across waters, or of their baggage by land or water, impress provisions, vessels with their furniture, hands, waggons, carts, horses, oxen, utensils for intrenching, smiths, wheel-wrights, carpenters, or other artificers, and arms in the case before directed. Such necessities, or the use of them by the

Impress-
ments allow-
ed.

Appraisements. day, shall be previously appraised by two persons chosen, the one by such officer, and the other by the person interested, or both by the officer, if the person interested shall refuse to name one, or cannot readily be called upon, and duly sworn by the said officer, who is hereby empowered to administer the oath. Such officer shall give a receipt or certificate of every particular impressed, of its appraised value, and of the purpose for which it was impressed. And if any article impressed shall be lost, or receive damage, while in publick service, such loss and damage shall be inquired of, and estimated by two men chosen and sworn in the same manner. The said certificates shall be transmitted to the auditors, to be by them certified and paid in manner herein before directed.

Impressed articles, how certified and paid for.

Privileges of those in service.

V. All persons drawn into actual service, or impressed by virtue of this act, shall be exempted in their persons and property from civil process, and all proceedings against them in civil suits shall be stayed during their continuance in service.

Rank of officers on duty.

VI. When any corps or detachment of militia shall be on duty with any corps or detachment of regulars belonging to the continent or this commonwealth, or both of them, the continental officers shall take command of officers of the commonwealth of the same rank, and these again of militia officers of the same rank, and all militia officers of the same rank shall take command according to seniority, and if their commissions be of equal date, then their rank shall be decided by lot; a county lieutenant, when acting in concert with regulars, taking rank as a colonel. The commanding officer of each of the counties of Elizabeth City, Princess Anne, Norfolk, Northampton, and Accomack, with permission from the governour, may appoint any number of men, not exceeding six, in each of the former counties, and in the two latter not more than ten men, to keep a constant look-out to seaward, by night and by day, who, discovering any vessels appearing to belong to an enemy, or to purpose landing or hostility, shall immediately give notice thereof to some militia officer of the county. And the lieutenant, or next commanding officer, of the several counties on the western frontier, with the like permission, shall be empowered to appoint any number of proper persons, not exceeding ten, in any one county, to act as scouts for discovering the approach of the Indians, or any other enemy

Look-outs, on eastern frontier.

Scouts on western.

on the frontiers, who, on such discovery, shall immediately give notice thereof to some militia officer of the county, whereon such course shall be pursued as is before directed in case of an invasion or insurrection. The pay of all officers and soldiers of the militia, from the time they leave their homes by order of their commanding officer, till they return to them again, and of all look-outs or scouts, shall be the same as shall have been allowed by the last regulations of general assembly to regulars of the same rank or degree. Messengers shall be allowed, by the auditors of publick accounts, according to the nature of their service.

Pay of militia
in service
same as reg-
ulars.

Messengers.

VII. Any militia officer receiving notice of an invasion or insurrection, or of the approach of any vessel with hostile purpose, and not forwarding the same to his commanding officer, shall forfeit, if a field officer, one hundred pounds; if a captain or subaltern, fifty pounds; any commanding officer of a county receiving such notice, and not raising part of his militia, nor taking the advice of his council of war, two hundred pounds. Such forfeitures to be recovered, with costs, by action of debt, in the name of the other members of the said court martial, or the survivors of them, before any court of record, and appropriated to the same uses as the fines imposed by the court martial of his county.

Fines on offi-
cers, for ne-
glect in re-
lation to in-
vasions, &c.

VIII. Any officer or soldier guilty of mutiny, desertion, disobedience of command, absence from duty or quarters, neglect of guard, or cowardice, shall be punished at the direction of a court martial, by degrading, cashiering, drumming out of the army, fine not exceeding two months pay, imprisonment not exceeding one month.

Courts mar-
tial what
punishments
they may in-
flict.

IX. Such court martial, which the commanding officer is hereby empowered to order, shall be constituted of militia officers only, of the rank of captains, or higher, and shall consist of seven members at the least, whereof one shall be a county lieutenant, or field officer. Provided two or more companies, without a field officer, should be called out to duty, the senior officer may appoint a court martial, to consist of one captain, and three or more commissioned officers, whose sentence, not extending to amercement or imprisonment, being confirmed by the commanding officer, not being a member of the court, shall be put in execution, each of whom shall take the following oath: "I do swear, that I will well and truly try, and impartially

How consti-
tuted.

Oath of
members.

determine, the cause of the prisoner now to be tried, according to the act of assembly for providing against invasions and insurrections. So help me God." Which oath shall be administered to the presiding officer by the next in command, and then by such presiding officer to the other members. The said court shall also appoint a clerk to enter and preserve their proceedings, to whom the president shall administer an oath, truly and faithfully to execute the duties of his office. And such clerk shall be paid such compensation for his services as shall be judged reasonable by the court martial, out of the fines imposed by this act; the fines to be collected by the sheriff, as ordered in the militia law, except such as can be retained out of the pay of the delinquent.

Clerk.

Fines, how collected.

Evidence. X. All persons called to give evidence shall take the usual oath or evidence, to be administered by the clerk of the court. If in any case the offender be not arrested before the corps of militia on duty be discharged, or cannot be tried for want of members sufficient to make a court, he shall be subject to be tried afterwards by the court martial of his county. The governour, with the advice of the council of state, may, and he is hereby authorised and desired, to appoint one or more fit and able persons to act as quartermasters to the militia drawn into actual service, whose duty it shall be to provide, in due time, all things necessary for their accommodation. And such quartermasters shall have power, and they are hereby strictly enjoined, to inspect and examine all provisions dealt out by any commissary or contractor to such militia, and make report to the governour, from time to time, of the quality thereof. And the said quartermasters shall, for their services, receive such allowance as to the governour and council may appear reasonable. The commanding officer of any detachment of militia drawn out into actual service shall, if necessary, appoint a commissary or contractor to procure provisions for the said detachment. Such commissary, upon complaint to a court martial, to be composed of the officers of the corps, may, by judgment of such court martial, be removed for misconduct. Every commissary or contractor appointed by virtue of this act shall obtain a certificate of his service from the commanding officer of the detachment for which he served, on producing which to the governour and council he shall be entitled to such reward as they think fit.

When offender may be tried.

Quartermasters;

Commissaries;

how appointed.

XI. All other acts and ordinances, so far as they make provision against invasions and insurrections, are hereby repealed. Repealing clause.

XII. *Provided*, That nothing in this act shall be construed to alter or change any thing contained in the general form or constitution of this government.

XIII. This act shall be read to every company of the militia by order of the captain, or next commanding officer, twice in every year, on penalty of five pounds for every omission. This act to be read to militia.

CHAP. VIII.

An act to support the Credit of the money issued by the authority of Congress and by the authority of this Commonwealth, and to make the former current within this commonwealth. [Chap. Rev. p. 54.]

I. WHEREAS the continental money, and the money of this commonwealth ought to be supported at the full value expressed in the respective bills, and the pernicious artifices of the enemies of American liberty, to impair the credit of the said bills, by raising the nominal value of gold and silver, or any other species of money whatsoever, ought to be guarded against and prevented: Preamble.

II. *Be it enacted by the General Assembly*, That all bills of credit emitted by authority of congress shall pass current in all payments, trade, and dealings within this commonwealth, and be deemed equal to the same nominal sum in Spanish milled dollars; and that whoever shall offer, ask, or receive more in the said bills, or in the bills of credit emitted by authority of this commonwealth, for any gold or silver coins, or any other species of money whatsoever, than the nominal sum or amount thereof in Spanish milled dollars, or more in either of the said kinds of money for any lands, goods, or commodities whatsoever, than the same could Paper money emitted by authority of congress, or of this state, declared equal to Spanish milled dollars.

CHAP. XVII.

*An act for regulating and disciplin-
ing the militia of the city of Wil-
liamsburg and borough of Norfolk.*

[Chan. Rev
p 56.]

I. FOR forming the citizens of Williamsburg, bo-
rough of Norfolk, and the professors and students of William and Mary college, into a militia, and better
disciplining them: *Be it enacted by the General Assem-
bly, That all male persons between the ages of sixteen
and fifty years, within the limits of the said city or bo-
rough, except the persons exempted by an act passed
this present general assembly, intituled "An act for re-
gulating and disciplining the militia," and such of the
professors and students of William and Mary college
as would otherwise be part of the militia of James City
county, in which the college is situate, shall, by the
commanding officers of the said city and borough, be
enrolled and formed into companies of not less than
thirty two nor more than sixty eight, rank and file;
and each company shall be commanded by a captain,
two lieutenants, and an ensign, and the whole by a co-
lonel and major, who shall reside within the said city,
or shall be a freeholder of the said borough, and be-
fore they enter upon the execution of their office shall
take the following oath: "I do swear, that
I will be faithful and true to the commonwealth of Vir-
ginia, of which I profess myself to be a citizen, and
that I will faithfully and justly execute the office of
in the militia of according to
the best of my skill and judgment. So help me God."*

Militia of
Williams-
burg & Nor-
folk, and
professors &
students of
William and
Mary col-
lege, how
organized.

Officers.

Their oath.

II. And the militia of the said city and borough, with the professors and students of the said college, shall be mustered, trained, and employed, at the same times, and in the same manner, and the officers and privates thereof respectively shall be armed with the same weapons, and be subject to the same orders, regulations, and penalties, as the militia of a county, and the officers and privates thereof are, and ought to be, by the before mentioned act, and by another act also, passed this present general assembly, intituled "An act for providing against invasions and insurrections."

Subject to
the general
militia laws.

VOL. IX.

P 2

And all former acts and ordinances relating to the militia of the said city and borough are declared to be repealed.

CHAP. XVIII.

*An act for the more regular laying off
the borough of Norfolk.*

Preamble.

WHEREAS the irregular manner in which the borough of Norfolk was laid off rendered the streets and lots inconvenient, and prejudicial to the health of the inhabitants, and the buildings therein having lately been totally destroyed, it is now practicable to lay out the same in a more regular and commodious manner.

Commission-
ers for lay-
ing off Nor-
folk. more
regularly.

Be it therefore enacted by the General Assembly, That Richard Kello, Edwin Gray, Joseph Prentis, Robert Andrews, and Daniel Fisher, gentlemen, shall be, and they are hereby appointed, commissioners for the more regular laying out the said borough, who shall, before they enter on the execution of their office, take the following oath before the mayor, one of the aldermen of the said borough, or some justice of the peace for the county of Norfolk, that is to say: "I do swear, that I will, to the best of my skill and judgment, well and truly, without favour, affection, or partiality, discharge the duty of a commissioner for laying out the borough of Norfolk agreeable to an act of assembly intituled An act for the more regular laying off the borough of Norfolk. So help me God." And the said commissioners, or any three of them, shall and may proceed, with all convenient speed, to the execution of their said office, and employ a clerk, who shall be sworn by one of the commissioners, well and truly to demean himself as such, without favour, affection, or partiality, and shall be allowed such sum as the commissioners may think adequate to his services. And the said commissioners, together with the surveyors, chain-carriers, and other persons by them employed, shall have full power to enter on any of the lands in the said borough, and cause a survey thereof to be taken, as it is now laid

Their oath.

Their pow-
ers.

GENERAL ASSEMBLY,

BEGUN AND HELD

At the Capitol, in the City of Williamsburg, on Monday the twentieth day of October, in the year of our Lord one thousand seven hundred and seventy seven, and in the second year of the Commonwealth.

See also original
pp. 338, 339

CHAP. 1*.

An Act for speedily recruiting the Virginia Regiments on the continental establishment, and for raising additional troops of Volunteers.

WHEREAS it is indispensably necessary that the Organization of regiments altered, to assimilate them to continental establishment.

regiments of infantry raised by the laws of this commonwealth, on continental establishment, be speedily recruited, and such alterations made therein as may assimilate them to the regiments raised by the other United American States for the continental army: *Be it therefore enacted by the General Assembly,* That fourteen of the said regiments be reduced to eight companies each, and be completed by recruits or draughts in manner herein after mentioned; that the officers of the reduced companies be provided for, by appointments, to fill up vacancies in the remaining companies, as they shall happen; and that the battalion on commonwealth establishment, under the command of colonel George Gibson, and now in continental service, be continued in the said service instead of the ninth Virginia regiment, made prisoners by the enemy in the battle of Germantown, Col. George Gibson's battalion of state troops, continued in continental service, instead of 9th regiment captured at Germantown.

* In the original, none of the acts of this session are numbered by chapters, and only those establishing the High Court of Chancery, and General Court, are distinguished by sections. They are, in this edition, numbered by chapters, as in the Chancellors' Revisal; and such acts as are published in that collection are marked by sections, as in that edition.

VOL. 1X.

S 2

424. Va.—General Assembly, Williamsburg; Va. Laws, W. Hening, Vol. 9, 1821; Act, Oct. 20, 1777, pp. 337-349.

until the officers and men of the said regiment shall be exchanged, or the time of service of the men in the said first battalion shall be expired.

Additional
bounty to
men who re-
enlist.

And it is farther enacted, That the officers of the said fourteen regiments, as well as those of the said ninth regiment, if they shall be exchanged, shall use their best endeavours to re-enlist all the men therein whose times of service are near expiring, to serve for three years, or during the present war; and each of the men so re-enlisting, as well as those who have already re-enlisted, shall be entitled to a bounty from this commonwealth of twenty dollars, over and above the continental bounty, and the governour and council are desired to take such measures as to them shall seem best for enabling the officers to pay such additional bounty out of the publick money in the hands of the treasurer of this commonwealth.

State troops
transferred
to continen-
tal establish-
ment.

And as our numbers in continental service, which, according to the proportions heretofore stated by congress, should be eight thousand one hundred and sixty men rank and file, may for some time be deficient: Be it farther enacted, That the troops raised for the service of this commonwealth, by an act of assembly passed in the year one thousand seven hundred and seventy six, and intituled "An act for making farther provision for the internal security and defence of this country," shall be forthwith regimented by the governour and council, who, for completing the work as speedily as possible, are hereby authorised to transfer the men enlisted by such officers as procure the smallest proportions of their quotas to such others as come nearest the raising their full quotas; and that a battalion of such troops, to consist of eight companies, if there be sufficient to make such a battalion, and if not, then so many as there are, be marched to join the grand army, there to continue till a sufficient number of recruits may be raised to make good our just proportion, or until the terms of their enlistments shall expire. And the officers and soldiers of the said troops, and the officers and soldiers of the said battalion, under the command of colonel George Gibson, shall be entitled to and receive the same bounty, pay, rations, and clothing, as are allowed to the officers and soldiers in the continental service, so long as they continue therein.

Entitled to
same pay &
emoluments,
as those in
continental
service.

It is farther enacted, That, for securing the completion of the said regiments, a number of men shall be

draughted from the single men of the militia of the several counties, and the city of Williamsburg, whether officers or privates, above eighteen years of age, who have no child, in the following proportions, that is to say: From the county of Accomack forty eight, from the county of Albemarle thirty six, from the county of Amelia forty four, from the county of Augusta ninety seven, from the county of Amherst thirty two, from the county of Bedford fifty four, from the county of Berkeley fifty two, from the county of Botetourt sixty, from the county of Brunswick fifty two, from the county of Buckingham twenty six, from the county of Caroline forty one, from the county of Charles City eleven, from the county of Charlotte twenty eight, from the county of Chesterfield thirty, from the county of Culpeper sixty four, from the county of Cumberland sixteen, from the county of Dinwiddie twenty eight, from the county of Dunmore forty, from the county of Elizabeth City five, from the county of Essex twenty two, from the county of Fairfax thirty three, from the county of Fauquier forty eight, from the county of Fluvanna ten, from the county of Frederick forty, from the county of Gloucester thirty two, from the county of Goochland twenty three, from the county of Halifax thirty nine, from the county of Hampshire thirty three, from the county of Hanover thirty nine, from the county of Henrico twenty four, from the county of Henry twenty four, from the county of James City eight, from the county of Isle of Wight twenty four, from the county of King and Queen twenty, from the county of King George fourteen, from the county of King William twenty, from the county of Lancaster eleven, from the county of Loudoun sixty eight, from the county of Louisa twenty four, from the county of Lunenburg twenty two, from the county of Middlesex eight, from the county of Mecklenburg thirty four, from the county of Monongalia forty, from the county of Montgomery thirty, from the county of Nansemond twenty five, from the county of New Kent sixteen, from the county of Norfolk thirty five, from the county of Northampton seventeen, from the county of Northumberland twenty nine, from the county of Orange twenty three, from the county of Pittsylvania thirty six, from the county of Powhatan thirteen, from the county of Prince Edward twenty two, from the county of Prince George twenty, from the county of Princess Anne twenty three, from the county

Drafts of single men, to complete the regiments, in what proportions, in the several counties.

of Prince William thirty two, from the county of Richmond twenty two, from the county of Southampton forty, from the county of Spotsylvania eighteen, from the county of Stafford twenty, from the county of Surry fourteen, from the county of Sussex twenty eight, from the county of Warwick four, from the county of Washington thirty three, from the county of Westmoreland twenty six, from the county of Yohogania forty, from the county of York nine, from the city of Williamsburg eight, and from the counties of Kentucky and Ohio such a number as is equal to one twenty fifth part of their militia. And where any county shall have been divided, during this present session of assembly, the number herein before required from the whole, as it stood undivided, shall be furnished by the counties into which it shall have been divided, in proportion to the numbers of their respective militia; and where two or more counties shall have been formed into a greater number, the numbers herein before required from the said counties, as they stood before such alteration, shall be added together, and each of the counties into which they shall have been formed shall furnish a part of the whole number of men, in proportion to the militia it shall contain, for adjusting which proportions the field officers of the said counties so divided or reformed shall meet together, at such time and place as shall be appointed by the commanding officer of the oldest of the said counties respectively, and each man so draughted shall be entitled to a bounty of fifteen dollars, to be paid by this commonwealth, and be compelled to serve one year, or find an able bodied man to serve in his room in one of the said Virginia regiments on continental establishment. And as well such draughts, as those who enlist under this act, shall after such service be exempted from all other draughts for the regular service, for so long a time after their discharge as they shall have actually served.

Bounty to
drafts.

Term of ser-
vice.

Counties and
corporations
to complete
their quotas.

And it is farther enacted, That where any county or corporation shall not, either by enlistment or draught, have raised their quota of men for completing the six additional battalions, according to the directions of the act of the former session of assembly, such county or corporation shall respectively proceed to enlist or draught men for such deficiency, according to the said act, whether such deficiency arose from the number not having been recruited or draughted at first, or from their

having been since discharged as irregularly drawn out, or being unfit for service, at the time of the draught, over and above the number hereby required of such county or corporation.

And to the end that the draughts to be made under this act may be fairly and equally made, *It is further enacted*, That the county lieutenant or commanding officer of the militia in each county or corporation shall, on or before the second Monday of February next, summon the field officers, captains, and first lieutenants of his militia, to meet at the courthouse, and with them, or such as shall appear, collect from the muster rolls the names of all the officers and men of their militia who have not a wife or child, or who are not exempted by this act, or from militia duty by having a substitute in the army, adding thereto the names of any other such single men as are in the county and not enrolled, and who by the militia law ought to be enrolled, and shall direct all such single men to be summoned to meet at such place and time as the said officers shall appoint, not exceeding ten days thereafter, then and there to determine, by fair and equal lot, which of them shall enter into the service; and at the time and place so appointed, the said field officers and captains, together with two of the four senior magistrates who are not field officers in such county or corporation, having taken an oath to do impartial justice therein, which either of the said justices may administer to the others, shall carefully review the said single men, and examine into their bodily abilities and state of health, and set aside such as shall appear to them to be unfit for service, and shall proceed to draw the lots between the others as followeth, that is to say: They shall cause to be written the word "service" on so many distinct pieces of paper as will amount to the number of men hereby required to be raised in such county or corporation, and shall put the same into a covered hat or vessel; they shall cause also to be written the word "clear" on so many other pieces of paper, of the same form and dimensions, as, with the former, will amount to the number of single men, out of which the draughts are to be made as aforesaid, and put the same into the hat or vessel aforesaid, shaking the same well together, and shall then call the said single men one at a time, as they stand upon the roll, to draw a paper fairly out of the said hat or vessel, the same remaining covered, and being frequently shaken,

Mode of
drafting.

Single men,
only.

Lots distinguished by
"service" or
"clear."

every of which papers so drawn shall be read aloud, and truly entered on the roll against the name of the person drawing, whether it be "service" or "clear," until the whole papers be drawn out. And if any person liable to the said lot shall fail to appear, or being present shall refuse to draw for himself the said justices, field officers, and captains, shall cause one of the bystanders to draw for the person so failing or refusing, who shall be bound thereby; and the several persons by or for whom a paper with the word "service" shall be so drawn, shall from thenceforth be deemed soldiers, and compelled to serve or find an able-bodied man to serve in his room as aforesaid. And a list of their names shall be by the commanding officer of such militia transmitted to the governour, or to the commanding officer of the continental troops in this commonwealth, without delay, to whose order they shall be delivered by the said commanding officer of the militia at the courthouse of his county. And in order that the said commanding officer of the militia may be enabled to have the men forthcoming when called for, it shall be lawful for him to restrain them by furlough to such limits as he shall think reasonable; and if any of them shall depart from such limits, or shall fail to appear at any rendezvous by him appointed, they shall be deemed deserters, and treated accordingly.

Drafts, how
restrained
for service.

Volunteers
encouraged,
in order to
avoid draft.

But as an encouragement to persons to enter voluntarily into the said service, and thereby avoid the necessity of making such draughts, as far as may be done, *It is farther enacted*, That any justice of peace or magistrate, or a commissioned officer of the militia in any county or corporation, as well as such recruiting officers as may be appointed by the governour or the continental commanding officer in this commonwealth, shall have power to enlist any able-bodied men willing to enter into the service, except apprentices and hired servants under written contracts at any iron works, or persons solely employed in the manufacture of fire arms, not having leave in writing from the owner or manager of such works, except also imported servants, and those who are by law obliged to serve to thirty one years of age, and to offer a bounty of ten dollars each from this commonwealth, over and above the continental bounty; to all such as will engage to serve in the said regiments for three years, or during the present war, and to offer a bounty of twenty dollars in the whole to

such as will engage to serve therein for one year only; and so many men as can be thereby enlisted into the said regiments, before the time of drawing the lots as aforesaid, in any county, or corporation, shall be deducted from the number of men to be draughted in such county or corporation wherein they shall be listed. And if any single man subject to the draught aforesaid shall procure an able-bodied man so to enlist, such single man shall be thereby exempted from the draught.

It is farther enacted, That if any of the men who shall be draughted into the service shall, after joining the army, enlist to serve therein for three years, or during the present war, every person so enlisting shall be entitled to a bounty of ten dollars, over and above the continental bounty of lands and money; and that the several men to be recruited or draughted pursuant to this act shall have the same pay, rations, and clothing, and be subject to the like rules and regulations, with the other soldiers of the Virginia regiments in the continental army, and shall have the option of entering into such of the companies in the said regiments as they shall choose, in which there shall be room for their admission.

Bounty, pay, and emoluments of drafts, who enlist for three years or the war.

In order to supply the officers and soldiers in the said Virginia regiments with the necessaries of life at moderate prices, and prevent the ruinous exactions they have hitherto been subject to, *It is farther enacted,* That it shall and may be lawful for the governour, with the advice of the council, to appoint an agent, or agents, to import or purchase such necessaries upon the best terms for which they can be had, and cause them to be transported to the encampment of the said regiments, there to be retailed to the officers and soldiers at such prices, to be settled by the governour and council, as articles of the same sort and quality are furnished to other continental troops, either by the continent or their respective states. Or the governour, with the advice of the council, may contract with any person or persons for the delivery of any such necessaries at the camp, at a certain price or prices agreed on, as they shall think most beneficial to the said officers and soldiers. And the governour may from time to time draw on the treasurer of this commonwealth for so much money as shall be necessary for the purposes of this act, taking bond and sufficient security from the agents or contractors for the faithful performance of their trust, and for their

Provision for supplying officers and soldiers with necessaries, at moderate prices.

accounting for the money so received, and repaying the same into the treasury, as they shall receive it of the officers and soldiers, by sale of the goods; and the treasurer is hereby required to pay such draughts, out of the publick money in his hands.

Every county entitled to a deduction in the draft, for every deserter, from the continental army, apprehended.

So, every single man drafted, to be discharged, on apprehending and delivering a deserter.

To conceal a deserter, subjects offender to his term of service, if capable of military duty; if not, to a pecuniary fine.

Provision for widows whose husbands

And it is farther enacted, That every county or corporation shall be entitled to a deduction from the number of their draughts of one man for every able-bodied deserter from the continental army, enlisted within this commonwealth, who shall be apprehended by any of the inhabitants of such county or corporation, and who shall have one year at least to serve in the said army at the time of his apprehension; and every single man draughted, or subject to the draught, who shall apprehend such deserter and deliver him to the county lieutenant or commanding officer of the militia of his county or corporation, shall be thereby discharged from service, or exempted from the draught; and where more than one of such single men are engaged in such apprehension, they shall settle the matter between themselves by lot or otherwise, so as to entitle one of them to such discharge or exemption, provided the apprehending a deserter the second time shall not be the cause of another exemption. And if any person (except in the case of husband and wife, or of a child concealing a parent, or a widow her son) shall wilfully harbour or conceal any deserter from the army of the United States, or any of them, and be thereof convicted, the offender, if a man capable of military duty, shall be obliged to serve in one of the Virginia regiments on continental establishment during such deserter's time of service, and be entitled to the pay, rations, and clothing, and be subject to the same rules and regulations, as the other troops in the said regiments; and if the offender be a woman, or man incapable of military service, he or she shall pay a fine of fifty pounds, to be recovered by action of debt or information in any court of record, with costs, one moiety thereof to the use of this commonwealth, and the other to the informer, or, in default thereof, suffer three months close imprisonment. All deserters heretofore or hereafter enlisted or draughted in this commonwealth, and not otherwise punished by martial law, shall be compelled to serve double the time of their absence from duty.

And it is farther enacted, That the several county courts be empowered and required to make a reasona-

ble provision at the publick expense for the immediate support of the widows within their respective counties whose husbands shall have died or been slain in the service of the commonwealth, or the United States, if such widows shall have received no support from the general assembly, and for payment thereof may draw orders on the treasurer for the same being, distinguishing therein whether the soldier was in the continental or commonwealth service; and the said treasurer is hereby required to pay the same, out of the publick money in his hands.

have died or
been slain in
the service.

And be it enacted, That quakers and menonists who shall be so draughted shall be discharged from personal service, and that the field officers and justices who attend the draught shall, and they are hereby empowered, to employ any two or more discreet persons to procure, upon the best terms they can, proper substitutes to serve in their stead, and to adjust and divide the charge thereof among all the members of their respective societies of quakers and menonists in the county, in proportion to the number of tithables in the family of or belonging to each member, and to authorise the sheriff of the county, by warrant under their hands, to levy such charge by distress, in case of any member refusing or neglecting to make payment thereof within ten days after the same shall have been demanded, upon the goods and chattles of the member so refusing or neglecting; and the said commanding officer shall transmit to the governour a list of the names of the substitutes so procured, and a duplicate to the commanding officer of the continental troops in this commonwealth, as aforesaid. Every field officer or magistrate failing to perform any duty herein before imposed on him shall forfeit the sum of one hundred pounds, and every captain or lieutenant for such failure shall forfeit the sum of twenty five pounds, recoverable in any court of record by any person who will sue for the same, as well for himself as for the commonwealth, one moiety thereof to the person so suing, and the other to the commonwealth.

Quakers and
menonists
drafted, ex-
empted from
personal ser-
vice; but sub-
stitutes to be
provided by
equitable as-
sessment in
the whole
society.

And whereas it is of the greatest importance to the American cause to open the ensuing campaign as early as possible, and to render its operations more decisive and effectual, that the army under the command of his excellency general Washington should be reinforced by

Encourage-
ment to vo-
lunteers to
join the ar-
my under
general
Washington.

Term of service.

Organization.

General, and field officers, and staff how appointed.

Form of enlistment of volunteers.

an additional number of troops to be raised for that purpose in this commonwealth: *Be it farther enacted,* That every man who shall voluntarily engage to enter into such service, to continue therein for the space of six months from the time of his arrival at the place appointed for the general rendezvous, unless sooner discharged, shall receive a bounty of ten dollars, to be paid in such manner as the governour, with the advice of the council, may direct, so soon as the company to which he belongs shall be complete; and the several officers and privates shall be entitled to the like pay and rations as are allowed to the continental troops. And that each volunteer so serving shall be exempted from any future draughts for the regular service for the space of six months after his discharge, provided that no apprentices, or hired servants under written contracts at any iron works, not having leave in writing from the owner or manager of such works, nor any imported servants, shall be admitted as volunteers. The volunteers so engaging shall be formed into companies of sixty eight men each rank and file, under the command of a captain, two lieutenants, one ensign, and four serjeants, and allowed a drummer and fifer. Every eight companies shall compose a regiment, under the command of a colonel, lieutenant colonel, and major, and be allowed a chaplain, adjutant, quartermaster, surgeon, two surgeons mates, and a quartermaster serjeant, and the whole shall be under the command of two brigadiers general, if the number of volunteers who may enlist shall make it necessary to appoint them, and shall be subject to the same rules and regulations as are directed for the troops in the continental service. The general and field officers shall be appointed by the governour, by and with the advice of the privy council, and commissioned by the governour, having regard in the appointments of the field officers to the situation of the country, making them as diffusive as may be; the chaplain, adjutant, quartermaster, and surgeon, by the commissioned officers of the regiment; and each surgeon and quartermaster shall choose his own mates and serjeant respectively.

And for the greater expedition in raising and collecting the said volunteers, *It is farther enacted,* That the county lieutenant or commanding officer of the militia in each county or corporation shall immediately appoint a general muster or meeting of the several bat-

talions of the militia upon receiving notice of this act, and in the warmest terms represent to them the utility and necessity of strongly reinforcing the continental army, and receive the subscriptions of such as shall be willing to engage in this service in the following terms, to wit: "We do severally enlist to serve in the corps of "volunteers now raising to reinforce the continental "army, at present under the command of his excellen- "cy general Washington, for the time and upon the "terms directed by an act of assembly intituled An act "for speedily recruiting the Virginia regiments on the "continental establishment, and for raising additional "troops of volunteers."

Provided, That no person so engaging shall be there- by exempted from the draught to be made for complet- ing the Virginia regiments on continental establish- ment. And such commanding officer, as well as each other militia officer, or any justice of peace in the coun- ty or corporation, shall continue to receive such en- gagements at any time afterwards, until the volunteers shall march from such county or corporation; and the names of all persons so engaging shall be by the com- manding officer of the county collected, and transmit- ted monthly to the governour. As soon as a sufficient number of men shall be engaged in any county or cor- poration to make a company, they shall be called to- gether by the commanding officer of such county or corporation, and shall proceed to the choice of their captain, lieutenants, and ensign, by a majority of votes to be taken by ballot; and when a number sufficient to form a company shall not be enlisted in any county or corporation before the last day of March next, or part of a company shall remain after one or more are com- pleted, in either case they shall be united to the parts of companies in some other county, so as to make up complete companies, who shall then proceed to the choice of their officers as aforesaid, observing to choose a commissioned officer from each part of a company, in rank, according to the numbers. The several offi- cers so chosen shall be commissioned by the governour, and rank according to their priority of election; and where any elections shall happen on the same day, the priority of rank shall be settled by a general officer, by fair and equal lot between the officers. The gover- nour, with the advice of the council, is desired and em- powered to form the several companies into regiments,

Volunteers
not exempt-
ed from
drafts to
complete
Virginia re-
giments, on
continental
establish-
ment.

Captains, &c.
elected by
soldiers, but
commission-
ed by gover-
nor.

How organi-
zed.

and appoint the place or places of general rendezvous, and from time to time, as the regiments are completed, to call into duty the field officers for each regiment, from which time their pay, as well as that of the captains, subalterns, and other officers of each regiment, and the privates, shall respectively commence. The general officers shall be entitled to pay from the times they are respectively called into duty, after a sufficient number of regiments shall have been formed to require their superintendence by the governour and council, who have also power to direct at what time the said regiments, or any of them, shall march to join the continental army.

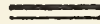
Baptists, &
Methodists,
priviledged
to serve un-
der officers
of their own
religion.

And whereas there are within this commonwealth some religious societies, particularly Baptists and Methodists, the members of which may be averse to serving in the same companies or regiments with others, and under officers of different principles, though they would willingly engage in the defence of their country under the command of officers of their own religion: *Be it enacted*, That the governour, with the advice of the privy council, may, and he is hereby empowered, to appoint proper persons of either of the said religious societies to enlist any members of the same who will engage to enter as volunteers in the manner and upon the terms aforesaid, and such volunteers shall be formed into separate companies, and may choose their own captains, lieutenants, and ensigns; and when a sufficient number of companies shall be raised to form a regiment, the governour, with the advice of the privy council, may appoint proper field officers out of their own societies to such regiment or regiments, who shall be allowed a chaplain, adjutant, quartermaster, surgeon, two surgeons mates, and a quartermaster serjeant, to be appointed in the same manner as herein before directed for the other regiments of volunteers, and as well the officers as privates of such regiments shall be entitled to the same bounty, pay, and rations, and subject to the same rules and regulations, with the other volunteers raised for the same service.

Volunteers
not to ex-
ceed ten re-
giments.

Provided always, That the number of volunteers to be raised pursuant to this act, for six months service, shall not in the whole exceed ten regiments. The governour, with the advice of the council, is hereby authorised to use the most expeditious and effectual means for furnishing the said volunteers with proper tents,

arms, and accoutrements, and moreover, to appoint one or more paymasters, commissaries, or contractors, for the more regularly and punctually paying and providing necessities for the said troops.



CHAP. II.

An act for raising a supply of money [Chan. Rev. p. 58]
for publick exigencies.

I WHEREAS the United American States in ge- Preamble
 neral, as well as this commonwealth in particular, in
 the prosecution of the present just and necessary war
 for the defence of our lives, liberties, and property, have
 been compelled to issue bills of credit for large sums of
 money, the quantity whereof now in circulation, great-
 ly exceeding the medium of commerce, may occasion
 a depreciation of its value, to the injury of individuals,
 and great danger of this and the other United States,
 which nothing will so effectually prevent as reducing
 the quantity, by establishing ample funds for redeeming
 proportions of it annually, until the whole shall be
 thereby called in and sunk. It is also necessary that
 permanent funds should be established to provide for
 the repayment of the money borrowed or to be borrow-
 ed by the United States, as well as by this common-
 wealth, for carrying on the war, and the interest grow-
 ing due upon such loans. For making such provision
 for the just proportion which this commonwealth ought
 to bear of sinking the said bills of credit of the United
 States, and of the money borrowed by them, and the
 interest thereof, as well as to effect the redemption of
 its own particular bills of credit, and payment of the
 money borrowed, and interest, in a mode which it is
 judged will be least burthensome to the people of any
 which can be adopted, *Be it enacted by the General*
Assembly, That a tax or rate of ten shillings for every Taxes on va-
 hundred pounds value, to be ascertained in manner rious arti-
 cles.
 herein after mentioned, shall be paid for all manors,
 messuages, lands, and tenements, slaves, mulatto ser-
 vants to thirty one years of age, horses, mules, and

CHAP. XXVI.

An act to enlarge the time for making draughts of the militia to recruit the Virginia regiments in the continental service.

WHEREAS the continuance of this session of as- Preamble.
sembly, beyond the time it was expected to adjourn,
hath made it necessary to enlarge the time in the re-
mote counties appointed for making draughts of the
militia, pursuant to the act "For speedily recruiting
the Virginia regiments on the continental establish-
ment, and for raising additional troops of volunteers:"

Be it therefore enacted by the General Assembly, That Time for
in each county to the westward or north westward of making
the mountains called the Blue Ridge, the county lie- drafts to re-
tenant, or commanding officer of the militia thereof, cruit the
be empowered and required to summon the field offi- Virginia re-
cers, captains, and first lieutenants of his militia, to giments, on
meet at the courthouse, for the purposes of the said act, continental
at any time within fifteen days after he shall have establish-
received notice of the said act, although the same be ment, in the
ter the second Monday in February next, and there- counties be-
upon such farther proceedings shall be had, and all yond the
persons subjected to the penalties for neglect or breach *Blue Ridge*
of duty, as in the said act is directed and prescribed. enlarged,

Remedy a-
gainst, for
failing to
pay.

the tolls and duties aforesaid, who shall, before he undertakes the execution thereof, enter into bond and security, payable to the said trustees, or any four or more of them, in the penalty of one hundred pounds with condition that he will duly attend at such turnpike, and faithfully account for and pay half yearly all tolls or duties which he may have received. And if any receiver shall neglect or refuse to render such account upon oath, and pay the money, it shall and may be lawful for the court of the said county of Southampton to give judgment against him for the penalty of his bond, provided such receiver have ten days previous notice thereof; which judgment may be discharged by the receiver's accounting for and paying all the money arising from the tolls and duties to the time of entering such judgment. The said trustees, or any four or more of them, shall have power from time to time to remove any receiver of the tolls and appoint others in their stead.

See also original
pp. 590, 591, 592

CHAP. XLV.

An act for speedily recruiting the Virginia regiments on continental establishment.

Preamble.

WHEREAS the different modes heretofore adopted for the making up the deficiencies in the quota of continental troops to be furnished by this state have been found inadequate to the purpose, and it is indispensably necessary that the regiments of infantry be speedily recruited, to render the operations of the ensuing campaign more decisive and honourable to the American arms:

Additional
forces to be
raised.

Bounty, for
18 months
men.

Be it enacted, That two thousand two hundred and sixteen men rank and file be forthwith raised within this commonwealth, and that each person who will enlist to serve eighteen months, to commence from the day of their general rendezvous, shall be entitled to three hundred dollars, and that each person who will enlist for three years, or during the war, shall be entitled to

four hundred dollars, together with the continental bounty of lands, and shall be entitled to receive the pay and rations which are allowed to soldiers in the continental army from the day of their enlistment, and shall be furnished annually, at the publick expense, with the following articles, a coat, waistcoat, and breeches, two shirts, one hat, two pair of stockings, one pair of shoes, and a blanket, to be delivered for the first year at the place of general rendezvous, before the delivery of which necessities they shall not be obliged to march out of this commonwealth.

For three years or during the war, together with continental land bounty.

Clothing.

And be it farther enacted, That all soldiers who may be disabled in the service shall be entitled to receive full pay for life, to commence at the time of their discharge, and if any of them lose their lives in the service, either by sickness or in the field, the same provision shall be made for their widows and indigent parents as has heretofore been made for others in similar situations.

Pensions, full pay for life.

Pensions to widows.

And be it farther enacted, That the several counties within this commonwealth, and the city of Williamsburg, except the county of Illinois, shall each of them furnish, on or before the first day of May next, one twenty fifth man of their militia respectively.

Each county except Illinois, to furnish one twenty fifth of their militia.

And for the more speedy and certain mode of raising the said men, *Be it enacted,* That the county lieutenant or commanding officer of each county within this commonwealth, so soon as he is certified of this act, shall summon the four senior justices, not being field officers, and the field officers of his county, to meet at such convenient time and place in the said county as he shall appoint, within not less than five nor more than twenty days after due notice thereof to them given, which said justices and field officers, or in the absence of any of them any two or more of the said justices, and any two or more of the said field officers, having first taken an oath to be administered by the senior justice to the other members, and by some one of the other justices to him, to do equal and impartial justice to the best of their judgment therein, shall with the assistance of the captains or commanding officers of the several militia companies (who are hereby required to attend such meeting with the muster roll of their respective companies) proceed to lay off and divide the county and militia into as many separate districts and divisions as the number of men required from the county by this

Counties to be laid off into districts and each district to furnish a man.

act, each of which districts shall be required to furnish and deliver to the county lieutenant or commanding officer of the county one able bodied man to serve for one of the aforesaid periods of time.

Encourage-
ment for vo-
luntary en-
listments.

And be it farther enacted, That if any county or district, or districts within a county, shall, by voluntary enlistment, raise the number of men as directed by this act, such county or district shall not be liable to be called out of their respective counties, except in case of invasion or insurrection, until the counties or districts that have not raised their men have first performed a tour of duty. Provided, that every person enlisted as aforesaid shall have his election to serve in any company of the Virginia regiments in continental service, in which there may be room for their admission. And every soldier enlisted to serve eighteen months, who shall afterwards enlist to serve for three years, or during the war, in any of the said regiments, shall receive such a sum as, with the bounty before paid him, shall be equal to the bounty granted for the period he may so enlist.

For eighteen
months men
to enlist for
three years,
or the war.

How men re-
strained for
service.

And that the commanding officer of the militia may be enabled to have the men forthcoming when called for, it shall be lawful for him to restrain them, by furlough, to such limits as he shall think reasonable; and if any of them shall depart from such limits, or shall fail to appear at any rendezvous by him appointed, they shall be deemed deserters, and treated accordingly. And the commanding officer of the militia shall transmit one list of the names of such soldiers enlisted in his county to the governour, and one other list to the commanding officer of the continental troops in this commonwealth, without delay, to whose order they shall be delivered by the commanding officer of the militia at the courthouse of his county.

General ren-
dezvous,
how appoint-
ed.

And that the men so raised may be more speedily collected and marched to camp, *Be it enacted,* That the governour or chief magistrate do request the commander in chief of the American army to order into this state one general or field officer, who may appoint a place of general rendezvous, and give such order or orders as he may see cause in collecting the men as they are raised, and marching them to the grand army; and that he also may be requested to order so many other officers to transact this necessary business as he may think fit, to the end there may be a sufficient num-

ber to receive the men raised from the county lieutenant or commanding officer at the courthouse of each county.

Every county lieutenant or commanding officer of a county, failing to summon the field officers and magistrates, as is herein before directed, shall forfeit and pay the sum of five hundred pounds, and every field officer and magistrate being summoned and failing to attend, except prevented by sickness or other disability, shall forfeit and pay the sum of two hundred pounds, to be recovered with costs in the court of the county where such delinquent resides, by action of debt or information, one half to the informer, and the other to the use of the commonwealth.

Penalties for failing to execute this act.

And in order that the bounties intended to be given to the men raised by this act, may be in due time paid, and the expense incurred for their maintenance within the several counties in which they are raised may be immediately defrayed, the governour shall be, and he is hereby empowered, to grant warrants on the treasurer of this commonwealth for such sums as he shall judge necessary for those purposes, to be forwarded by such responsible persons as the governour, with the advice of the council, shall approve of, payable to the county lieutenant or commanding officer of each county respectively, who shall give bond with sufficient security to the commonwealth, to be taken by the person so forwarding the same, and render to the auditors of publick accounts a full and true state of all disbursements made in pursuance of this act, which being by them passed, the treasurer is hereby directed to grant an acquittance for the sums contained therein; and the said auditors shall charge in the account of this commonwealth against the United States of America so much thereof as shall have been expended, in the maintenance of the men while remaining in the respective counties in which they were raised, and the continental bounty.

Bounties & expenses how paid.

And whereas many counties in this commonwealth, from various causes, failed to furnish their quota of men as directed by an act of assembly passed in the year 1777, intituled "An act for more speedily recruiting the Virginia regiments on continental establishment, and for raising additional troops of volunteers," either by failing to draught their militia pursuant to the said recited act, or neglecting to secure their draughts and forward them to the service, *Be it enacted*, That every

Counties heretofore failing to furnish their quotas, to make good the deficiency.

Penalty for
neglect.

county which hath failed to draught their militia pursuant to the said act shall raise and make good such deficiency, over and above the number of men to be raised by virtue of this act, by pursuing the mode directed by the said recited act. Every county lieutenant, or the commanding officer of each county, at the time the said draught was made, shall, on or before the tenth day of May next, transmit to the governor a return of all the men draughted, or substitutes, by virtue of the said recited act, specifying to what continental officer they were delivered, how many and which of them had previously deserted, with the proper proofs of such delivery or desertion respectively, that the same may be laid before the next session of the general assembly for their farther order therein, under the penalty of two hundred pounds, to be recovered for the use of the commonwealth, by action of debt or information in any court of record.

Who may
not be en-
listed.

Provided nevertheless, That no apprentice, hired servants under written contracts, at the time of passing this act, at any iron works, who have twelve months to serve, or persons solely employed in manufacturing fire arms, not having leave in writing from his master or mistress, or the owner or manager of such works, imported servants, or such servants as are obliged to serve to thirty one years of age, shall be taken or received as a soldier under this act.

END OF NINTH VOLUME.

CHAP. XIX.

An act for obliging the several delinquent counties and divisions of militia in this commonwealth, to furnish one twenty fifth man.

See vol. 9,
p. 588.

One 25th
man of the
militia, to be
drafted for
eighteen
months.

WHEREAS "An act for speedily recruiting the Virginia regiments on continental establishment," which passed the last session of general assembly, hath not produced the end proposed, many counties having failed to furnish one twenty fifth man, according to the said act; and whereas it is just that the whole community should bear an equal part in publick defence: *Be it enacted by the General Assembly, That the county lieutenant or commanding officer of the militia shall, where the same hath not been hitherto done, cause his county to be immediately laid off into divisions, according to the directions of the said recited act; each of which divisions shall furnish a man, agreeable to the term of the said act, by the second day of August, one thousand seven hundred and seventy nine; and in those counties where, although the militia hath been already laid off in divisions, have failed to furnish a soldier as required by the said recited act; every division having so failed, shall be allowed the same time to furnish such soldier; and if at the expiration of the said time, any division shall still have failed, the county lieutenant shall order the said division to assemble at such place, and on such day as he shall appoint, within fifteen days after the time so allowed, and shall there himself, or by a field officer, by fair and impartial lot, draft one man out of such division, to serve as a regular soldier for the term of eighteen months from the time of his meeting in general rendezvous, who shall be of able body, subject to the same duties, and entitled to the same emoluments as those men who enlisted under the terms of the said recited act. The governour and council shall take order for the disposal of the men to be raised under this act, in the manner most likely to fulfil the intention thereof. The*

imes on the county lieutenant, justice, or any other person failing to do his duty herein, shall be the same as in the above recited act, and recoverable in like manner.

CHAP. XX.

An act for the better regulation and discipline of the militia.

WHEREAS it is expedient to amend the act entitled "An act for regulating and disciplining the militia," and one other act entitled "An act for providing against invasions and insurrections:" *Be it enacted by the General Assembly,* That in every county where there are more than one battalion, there shall be a muster of each battalion in the months of March and October in every year, to be appointed by the county lieutenant, or in his absence by the next commanding officer, at, or as near the centre of the districts of such battalions as may be. That the field officers and captains, or a majority of them, whereof a field officer shall be one, shall hold a court-martial at or near the place where such muster shall be, on the day following, each muster under the same rules and regulations, and under the same penalties as are prescribed by the said recited acts. Every commanding officer of a battalion for refusing or neglecting to turn out, train, and exercise his battalion, or for refusing or neglecting to perform any of the other duties required by the said recited acts; or who shall neglect to examine the returns and levy the fines upon delinquents, shall forfeit and pay the sum of two hundred and fifty pounds. Every county lieutenant or next commanding officer, the sum of two hundred and fifty pounds. Every other field officer, the sum of one hundred pounds. Every captain, the sum of fifty pounds: And every lieutenant or ensign, the sum of twenty five pounds. Every non-commissioned officer or private who shall neglect or refuse to attend any general or private muster when

See vol. 9, p. 267, 291.

General musters, twice a year.

Courts martial.

Fines on officers and soldiers.

Disobedience, how punishable.

any compensation made by the one parish to the other for any supposed difference in value between the said churches; any thing in the said recited act to the contrary notwithstanding.

CHAP. L.

An act for re-enlisting the troops of this state in the continental army, and for other purposes.

Officers of Virginia line, and of the two state regiments, and of artillery, in continental service, empowered to re-enlist their men.

Bounty.

Executive authorised to send assistance to sister state of North Carolina.

Militia and state troops to be sent.

Drafts, under former laws, to be completed.

BE it enacted by the General Assembly, That the officers of the Virginia line, and of the two state regiments, and of the artillery regiment in the continental service, shall have power to re-enlist any soldiers whose times of service may expire within the course of the ensuing year, and to pay them the sum of seven hundred and fifty dollars, as bounty money, with which they shall be furnished out of the treasury of this state, under the directions of the governour and council. And that the executive may be enabled to afford such assistance to our sister state of South Carolina as the exigency of their situation may require, during the recess of the assembly; Be it enacted, That the governour, with the advice of the council may, and he is hereby empowered to order any number of militia of this state, not exceeding fifteen hundred, and so many of the state troops as can be marched thither according to the terms of their enlistments, or are willing to march, as they in their discretion shall think proper, to the assistance of the said state of South Carolina. And be it farther enacted, That if any county or division have not yet been drafted according to an act "For obliging the several delinquent counties and divisions of militia in this commonwealth to furnish one twenty fifth man," that the respective commanding officers of the militia shall take the most speedy and effectual measures to draft any such delinquent divisions which do not furnish a man on or before the first day of April next, according to the method prescribed

by the last recited act; and the governour, with the advice of the council, shall take proper measures to have the men so drafted, collected, and sent on to join the continental army.

CHAP. LI.

An act to regulate and ascertain the number of land forces to be kept up for the defence of the state.

THAT the state may incur no greater expense than the exigencies of affairs requires, and that the publick revenue may be aided by every means which prudence and œconomy dictate, *Be it enacted by the General Assembly,* That the body of cavalry directed to be raised under the act of the last session of assembly, entitled "An act concerning officers, soldiers, sailors, and marines," shall be reduced to three troops, to be fully completed and retained in the service of this state, under the regulations and conditions expressed in the said recited act. That the regiments of infantry directed to be raised under the act of the last session of assembly, entitled "An act for raising a body of troops for the defence of the commonwealth," be reduced. That the men recruited under the said act for the defence of the eastern limits of this state, be drafted into, and incorporated with, the garrison and artillery regiments of this state. The garrison regiment to be first completed, and the surplus of recruits applied to the completion of the artillery regiment, and to be commanded by the officers of the said garrison and artillery corps.

Be it farther enacted, That one regiment only shall be raised for the defence of the western limits of this state. The said regiment to be completed and in aid thereof, the corps of infantry under the command of colonel Slaughter, to be attached to, and considered as part of the said regiment. All privates recruited under the last recited act for the defence of the western

New organization of state troops.

Cavalry.

Infantry.

Garrison and artillery regiment.

Regiment for defence of western frontiers.

GENERAL ASSEMBLY.

BEGUN AND HELD

At the Public Buildings in the Town of Richmond, on Monday the first day of May, in the year of our Lord one thousand seven hundred and eighty, and in the fourth year of the commonwealth.

Thomas Jefferson, esq.
governor.

CHAP. I.*

An act to embody militia for the relief of South Carolina, and for other purposes.

WHEREAS a dangerous invasion of South Carolina now threatens the loss of the capital of that state, and the troops engaged in its defence may be overpowered by superiour numbers, if timely aid be not sent to them. And as it is incumbent upon this state, on every principle of policy and good neighbourhood, to assist our friends and fellow citizens in distress, as speedily and effectually as possible; *Be it enacted by the General Assembly,* That two thousand five hundred infantry be forthwith called into service, in legal rotation, from the following counties, and in the following proportions (to serve three months from the time of their joining the army in South Carolina, if not sooner discharged) that is to say: From Pittsylvania, ninety seven men; from Bedford, two hundred and two men; from Halifax, one hundred and forty

Preamble.

Troops ordered to relief of South Carolina.

* In the original none of the acts of this session are numbered by *chapters*, nor are they separated by *sections*.—Such only as were published in the *Chan. Rev.* will be so noted in this edition

428. Va.—*General Assembly, Williamsburg; Va. Laws, Vol. 10, W. Hening, 1822; Act, May 1, 1780, pp. 221–226.*

one man; from Charlotte, eighty nine men; from Mecklenburg, one hundred and twenty eight men; from Prince Edward, seventy five men; from Amelia, one hundred and fifty four men; from Lunenburg, eighty three men; from Dinwiddie, one hundred men; from Brunswick, one hundred and sixty one men; from Buckingham, eighty four men; from Amherst, one hundred and thirty five men; from Powhatan, forty seven men; from Cumberland, sixty one men; from Chesterfield, one hundred and fourteen men; from Goochland, seventy five men; from Louisa, ninety four men; from Henrico, eighty three men; from Hanover, one hundred and thirty five men; from Fluvanna, forty men; from Caroline, one hundred and twenty eight men; from Spotsylvania, ninety two men; from Orange, eighty men; and from Henry, one hundred and eight men; to be officered and commanded as is herein after directed.

Place of rendezvous.

How organized.

Discretionary powers given to the general.

And be it further enacted by the authority aforesaid, That so soon as the said quotas shall be completed, they shall be marched without delay to Hillsborough in North Carolina, as the place of general rendezvous; there to be formed into four regiments, each of which shall be commanded by a colonel, a lieutenant colonel, a major, ten captains, twenty lieutenants, ten ensigns, and the usual number of non-commissioned officers, and be allowed a surgeon and surgeon's mate, to be appointed by the colonel, or other officer commanding each regiment when formed; and the whole to be under the command of a brigadier general, who, together with the field officers, shall be chosen by joint ballot of both houses, and commissioned by the governor; and the captains and other inferiour officers shall be appointed in the respective counties, in the manner prescribed by law for militia drawn into actual service.

Provided always, and be it enacted, That the brigadier general to be appointed by this act, may use his discretion upon a view of the then circumstances and situation of the enemy, either to form and march the militia by single battalions from the place of general rendezvous as soon as a number sufficient to form a battalion shall arrive there, or wait the coming of the whole two thousand five hundred, as in his judgment may best conduce to the purpose of relieving South

Carolina in the most speedy, prudent, and effectual manner: Any thing herein before contained to the contrary notwithstanding.

And be it farther enacted, That the pay of the militia hereby called into service, shall be as followeth: For the brigadier general, one hundred and twenty five pounds of tobacco, and ten rations per day; for a colonel, sixty pounds of tobacco, and six rations a day; a lieutenant colonel, fifty five pounds of tobacco, and five rations; a major, fifty pounds of tobacco, and four rations; a captain, forty pounds of tobacco, and three rations; lieutenants each, thirty pounds of tobacco, and two rations; an ensign, twenty pounds of tobacco, and two rations; an aid de camp to the brigadier general, fifty pounds of tobacco, and four rations; the brigade major, fifty pounds of tobacco, and four rations; a brigade quarter master, forty pounds of tobacco, and three rations; an adjutant and quarter master, fifteen pounds of tobacco each, in addition to their pay as officers in the line; a serjeant major, twelve and a half pounds of tobacco, and one ration; a surgeon, fifty pounds of tobacco, and four rations; a surgeon's mate, forty pounds of tobacco, and two rations; a serjeant, ten pounds of tobacco, and one ration; a corporal, eight and an half pounds of tobacco, and one ration; a quarter master's serjeant, twelve and an half pounds of tobacco, and one ration; a drummer and fifer the same as a corporal; and the privates each, seven and an half pounds of tobacco, and one ration per day. And where back rations shall be due to any officer, to be appointed under this act, that the same shall be paid for at the rate of two pounds and an half of tobacco for every ration so due.

Pay, rations, &c. of the militia, called into service.

And whereas the use of cavalry hath been found singularly serviceable in South Carolina; *Be it enacted by the authority aforesaid*, That a troop of fifty horse be raised in the following manner: That fifty of the men herein before directed to be called into service as infantry, be formed into a troop of cavalry, if so many shall be willing to find their own horses, to be commanded by a captain, one lieutenant, and a cornet; to be appointed and commissioned by the governour, with advice of council; and that the captain's pay shall be the pay of a major of infantry, the lieutenant of a captain of infantry, and the cornet and quarter master

Troop of cavalry how formed.

Horses, how
furnished.

Waggons
provided.

Pay for wag-
gons.

Bounty.

Money ad-
vanced.

of a lieutenant of infantry; quarter master's serjeant, serjeants, twelve pounds and an half of tobacco each, and one ration; corporals ten pounds of tobacco and one ration each; and each private horseman, ten pounds of tobacco, and one ration per day; that they rendezvous at Petersburg in Virginia without delay, there to be equipt with the proper furniture. *And be it farther enacted*, That if any person so finding a horse, shall lose him in the publick service, without any default of the loser, that in such case, the owner shall be paid by the publick for his horse so lost. And if so many as fifty men of the above drafts cannot be found willing to furnish a horse each, that then any number of volunteers that shall be willing to find horses, be received in the corps aforesaid, and entitled to the same pay and other emoluments as the rest of the troop. And whereas the necessity of waggons to attend the troops is indispensable, and it having been found by experience that they cannot be obtained in sufficient numbers, without power to impress the same; *Be it enacted by the authority aforesaid*, That it shall and may be lawful for the governour, with the advice of council, to authorize any quarter master to impress and take into the publick service, for the use of the army, as many waggons as the nature of the service may, in the opinion of the governour and council, demand; and that for every waggon, team, and driver, so impressed, shall be paid fifty pounds of tobacco per day, and be found as usual. And to the end that the bounty heretofore directed by the general assembly to be paid to the militia that lately served in South Carolina may be paid in a manner most agreeable to the respective claimants; *Be it enacted*, That every person entitled to receive a bounty of forty pounds, under a resolve of the assembly, passed at the last session, shall have his option, either to receive the said bounty of forty pounds, or in lieu thereof, three bushels of salt, which the governour and council will provide for the purpose aforesaid.

And whereas it may be necessary, that some money be paid in advance to the militia hereby called into service; *Be it enacted*, That the sum of fifty pounds be advanced to every soldier at the place of rendezvous, to be hereafter deducted from his pay, at the rate of twelve shillings per pound, for every pound of to-

bacco that shall be due. *And be it farther enacted,* That the county lieutenant, or next commanding officer of each respective county, with five other officers, not below the rank of captain, or a majority of them, shall, without delay, determine on such and so many divisions of the militia whose tour of duty renders it their turn to serve, and as shall be sufficient to complete the quota of the county directed by this act. And if any officer shall refuse to act, not having a reasonable excuse, when ordered into service, according to his tour of duty or shall endeavour to dissuade or prevent any other officer or soldier from engaging or entering into such actual service; such officer so offending shall be cashiered, and moreover shall be turned into the ranks and serve as a common soldier during the time the detachment to which he belongs shall continue in service. If any non-commissioned officer or soldier shall fail to attend when summoned, not having a just and reasonable excuse, or refuse to march when ordered into actual service according to his tour of duty, or find an able bodied man in his room, or shall while in service, mutiny or desert, and thereof shall be convicted after due summons of all or any of these offences before a court martial, to be held at the usual place in the county, by the lieutenant or chief commanding officer, with the field officers and captains, or a majority of them, within ten days after the day appointed for marching such militia from the county, such offender shall serve as a regular soldier in the troops of the state eight months, and by order of such court martial, be delivered over to a recruiting officer for that purpose, to be appointed by the governour. *And be it farther enacted,* That if any county lieutenant or other officer, shall neglect or refuse to summon a court martial as is herein before directed for fixing on the divisions whose turn it may be to serve, or shall fail to discharge the duties by this act enjoined; every field officer so offending, shall forfeit and pay five thousand pounds of tobacco, and every captain three thousand pounds of tobacco, to be recovered with costs, by bill, plaint, or information in any court of record, giving ten days previous notice to such offender.

Officers to allot the militia for service.

Fines on officers and privates, for various delinquencies.

Refusing to march.

Mutiny and desertion.

And whereas it is just and reasonable, that the families of such poor men as are called into service by this act, should have some temporary provision made for

Provision for families of poor persons called into service.

their support, during the absence of their husbands or friends, *Be it enacted by the authority aforesaid*, That the commissioners of the taxes in the several counties herein before named, are hereby authorized and required, upon application to them made for such provision as aforesaid, that they, or a majority, do direct a reasonable quantity of corn or other grain to be delivered to such poor families from the publick magazines of grain, collected by a certain act of assembly entitled "An act for laying a tax, payable in certain enumerated commodities," provided that such allowance do not exceed that which is granted in similar cases, by an act entitled "An act to repeal so much of the several acts of assembly which empowers the county courts to make provision for the support of the wives, parents, and families of the soldiers of this state in the service of this commonwealth, or in the service of the United States, and for other purposes." And that where the grain in any county so making provision shall be exhausted, the commissioners of the tax for such county, be empowered to draw upon the commissioners of any neighbouring county for the corn they may want, to be transported at the publick expense, and such expense paid by the treasurer after being audited according to law.

CHAP. II.

[Chan. Rev. p. 120.] *An act to secure to the publick certain lands heretofore held as common.*

Preamble. I. WHEREAS certain unappropriated lands on the bay, sea, and river shores, in the eastern parts of this commonwealth, have been heretofore reserved as common to all the citizens thereof, and whereas by the act of general assembly entitled "An act for establishing a land office, and ascertaining the terms and manner of granting waste and unappropriated lands," no reservation thereof is made, but the same is now subject to be entered for and appropriated by any person or

See ante p. 50.

firmation, or failing so to do, he shall forfeit and pay five thousand pounds of crop tobacco, to be recovered with costs, by bill, plaint, or information in any court of record, by any person that will sue for the same. Any quarter-master, commissary, or the deputies of either, misapplying any part of the money by him received as aforesaid, to private purposes, and being thereof convicted, shall forfeit and pay treble the sum of the money so misapplied, for the use of the commonwealth, and suffer as in case of wilful perjury.

V. *And be it enacted*, That instead of the former allowance made to the sheriffs for collection, they shall hereafter receive a commission of five per centum on all publick monies by them to be collected.

Sheriffscom-
missions for
collecting
taxes.

See also original
pp. 258, 259

CHAP. XII.

An act for speedily recruiting the quota of this state for the continental army.

WHEREAS the general assembly hath received authentick intelligence that his most Christian Majesty is determined to send a powerful land and marine force to co-operate with the United States in expelling the common enemy; and since both the pressing instances of Congress, and the obvious interest of this commonwealth irresistably inel us to make an exertion, whereby possessing a superiority of force we may ensure victory, and speedily terminate the war with a safe and honourable peace, *Be it enacted by the General Assembly*, That three thousand men shall be forthwith raised for the purpose of completing this state's quota of continental forces to serve until the last day of December, one thousand seven hundred and eighty one, and to be arranged in such corps or battalions belonging to this commonwealth as his excellency the commander in chief shall direct. The several counties and corporations within this commonwealth (ex-

Preamble,
reciting the
expected as-
sistance from
France.

Additional
force to be
raised, to
complete
this state's
quota, on
continental
establish-
ment.

VOL. X.

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373

One 15th
man of the
militia.

Militia to be
laid off in di-
visions, and
each divi-
sion to re-
cruit a man.

cept the county of Illinois, and except also the counties within the territory in dispute between this commonwealth and Pennsylvania) shall for this purpose each of them furnish within thirty days after their militia shall have been laid off into divisions as herein after directed, one fifteenth man of such of their militia as exceed the age of eighteen years, including all the commissioned and non-commissioned officers under the age of fifty years, deducting those who shall have marched at the time of the said draft, either for the assistance of Carolina or to defend the posts on the western frontier, but the remaining number shall furnish one fifteenth man as aforesaid. The county lieutenant or commanding officer of each county or corporation within this commonwealth (except as before excepted) shall, immediately after the receipt of this act, summon the field officers of his county or corporation, the four senior magistrates, not being field officers, and the commissioners of the tax, to meet at such place as he shall appoint, within ten days after due notice to them given, which said field officers, magistrates, and commissioners, or a majority of those attending, having first taken the oath to be administered by the senior magistrate to the other members, and by some one of the others to him, to do equal and impartial justice to the best of their judgment therein, shall, with the assistance of the captains or commanding officers of the several militia companies, who shall also be summoned to attend with their rolls, distinguishing carefully thereon invalids, those persons who may have arrived to eighteen years of age, those who may have come within the district of his company, and also those who may have removed or died since the delivery of his last list to the lieutenant of the county, and giving such information upon oath, proceed to lay off and divide the county and militia into as many separate districts and divisions as the number of men required by this act shall make necessary, in which districts they shall include all the assessable property in the said county or corporation, and shall so arrange it in the several districts as to have as equal a distribution thereof as the nature of the case will admit among the several divisions, which shall consist, as nearly as may be, of fifteen men each. The divisions thus constituted may collect among themselves any sum of money in addition to the bounty

hereafter mentioned, and deposit it in the hands of some one of their body, to be by them chosen, who shall proceed therewith to recruit a man to serve in the continental army until the last day of December one thousand seven hundred and eighty one. *Provided*, That he shall not enlist a man out of any other division than his own, until such division shall have procured a man for itself. And to prevent fraud or collusion herein, any person liable to assessment, for reimbursing the said sum, or any other person on his or her behalf, shall have the right at any time of examining the same, and enquiring into the manner of contribution and collection. The said recruiting officer shall be furnished by the said commissioners of the tax with a list of the last taxes paid on the property within his district, who shall thereupon proceed to collect or distrain for the money so advanced, making such taxes the rule of proportion, and shall pay the money collected to those who may have advanced the same for the purposes aforesaid, after deducting their rateable proportion thereof. The county lieutenant or other commanding officer of the county or corporation shall assemble, on the said thirtieth day, his militia at such place as he shall appoint; and if any division shall then fail to deliver a recruit as aforesaid, the said commanding officer, together with the field officers and captains of the county, or a majority of them, shall immediately proceed to draft an able bodied man by fair and impartial lot out of such division, to serve in the continental army for the term aforesaid; who may nevertheless be permitted to procure an able bodied man in his room; and any person who, either before or after the said draft, shall enlist an able bodied soldier to serve in his stead during the war, shall, upon delivering him to the county lieutenant or commanding officer of the militia of his county or corporation, and taking his receipt, be exempted from all future drafts, except in case of actual invasion; the soldier so enlisted shall receive the bounty allowed by this act, and be marched with the other recruits in the manner herein after directed. No man shall be drafted, unless it shall appear to the said commanding officer that he possesses bodily ability to discharge the duty of a soldier; neither shall any recruit be accepted of in a division by the said commanding officer, unless he be an able bodied man.

If not recruited in 30 days, to be drafted.

Term of service.

Substitutes admitted.

Bounty.

And in order to encourage the said men to enlist, or to furnish them with a present support when drafted, that blank loan office certificates of one thousand pounds of nett inspected tobacco each, equal to the number of men required from any county or corporation, shall be transmitted to the respective commanding officers of the militia, who shall pay one of the said certificates to each of the said recruits or drafts, which said certificates shall be payable to the said recruits or draft holding the same, his heirs, executors, administrators, or assigns, at the end of the term for which he was enlisted.

Place of rendezvous.

And be it enacted, That the commanding officer of each county may furlough the soldiers obtained by this act on the day of the draft aforesaid for the space of ten days, after which he shall direct them to rendezvous at some convenient place in the county, from whence the said commanding officer shall cause the said recruits to be marched, under an officer of his militia, either to Fredericksburg, the town of Richmond, Winchester, Accomack courthouse, Alexandria, or Staunton, as may be most convenient to the county from whence they go; at which respective places the governour, with the advice of council, will appoint proper officers to review and receive them, and also give necessary orders for furnishing the said recruits on their march with provisions that may be obtained under an act of the present session entitled "An act for procuring a supply of provisions and other necessities for the use of the army."

Returns to be made to governor.

And be it farther enacted, That exact returns shall be made to the governour by the several commanding officers of the militia, before the next session of assembly, of the number of their respective divisions, together with receipts for the men by them actually furnished, who shall also transmit to the auditors of publick accounts, the names of the recruits and drafts to whom any of the aforesaid tobacco certificates are paid and delivered, returning such of them as remain undisposed of to the said auditors, to enable them to adjust and settle the accounts thereof on their books. Every person failing to do his duty as herein directed, shall forfeit and pay the following sums of tobacco, to wit:

Fines for delinquencies.

A county lieutenant or commanding officer shall forfeit five thousand pounds; a field officer, magistrate,

or commissioner, three thousand; and each captain, two thousand five hundred pounds of tobacco, to be recovered with costs in the court of the county where such delinquent resides, on bill, plaint, or information, and to be applied, one half to the informer, and the other to the lessening the levy of his county.

And be it also enacted, That if any division previous to the day of draft, or any soldier after he is drafted, shall apprehend and deliver to the commanding officer in any county, a deserter from the continental army or from the troops of this commonwealth, and shall moreover cause such deserter to be conveyed to jail, therein to be secured by the warrant of such commanding officer, such division or draught upon producing a receipt for such deserter from the sheriff or jailer, shall be entitled to a discharge from finding a soldier or personally serving, and such deserter shall be marched with the recruits and drafts aforesaid, to one of the places of delivery herein before directed. And such commanding officer shall in his return made to the governour, particularly note the deserters so as aforesaid obtained.

A division or draft producing a deserter, relieved from service

And be it farther enacted, That if any person shall on the day appointed for the draft, behave himself mutiniously or riotously, and endeavour to excite mutiny, riot, or resistance to the execution of this law, that each and every person or persons so misbehaving, shall be, and they are hereby declared soldiers for the war, in this state's quota of continental troops; and for the purpose of enquiring into such offences, if any such there shall be, the commanding officer of any county where such misconduct shall take place, shall call a court-martial of the field officers and captains of the county, or a majority of them, within three days after such draft, and upon due enquiry and proof produced of any such offender, the said court shall have power, and they are hereby directed to cause such offenders to be arrested and conveyed with the recruits obtained by this act, to Fredericksburg, Richmond, Winchester, Accomack courthouse, Alexandria, or Staunton, and delivered with them. *Be it farther enacted,* That any Quaker or Menonist who shall be so drafted, shall be discharged from personal service, and that the commanding officer at the time of such draft, shall and he is hereby empowered and required to employ any two

Mutiny, how punishable.

Quakers or Menonists drafted, exempted from personal service, but a substitute to be provided at expense of society.

or more discreet persons, to procure on the best terms they can, a proper substitute or substitutes to serve in his or their room, and to adjust and divide the charge thereof among all the members of the society of Quakers or Menonists, in the division to which such draft belongs, in proportion to their assessable property, and to authorize the sheriff of the county by warrant under his hand, to levy such charge by distress in case of any member refusing or neglecting to make payment thereof within five days after the same shall have been demanded, upon the goods and chattels of the person so refusing or neglecting; and for the more easy execution whereof, the Quakers and Menonists shall be placed together as near as the nature of the case will admit in the same divisions.

Allowance
to widows &
aged parents
of soldiers
dying in ser-
vice.

And be it farther enacted, That the county courts may, and they are hereby empowered to grant allowances to the widows and aged parents of any soldier who hath or may hereafter die in actual service, upon proof to them made that such widows or aged parents are so poor that they cannot maintain themselves; such allowance not to exceed one barrel of corn and fifty pounds of nett pork, for each person in such family annually, in lieu of any other provision heretofore made.

Act exempt-
ing millers,
and persons
employed in
iron works
(except for
the public)
repealed.

And be it farther enacted, That so much of the militia law as exempts millers and persons employed in iron works (except the iron works belonging to the publick) shall be, and the same is hereby repealed.

CHAP. XXXIV.

An act to amend the act entitled An [Chan. Rev. p. 130.]
act for establishing a loan office for
the purpose of borrowing money for
the use of the United States and
appointing a commissioner for su-
perintending the same.

I. *BE it enacted by the General Assembly, That so* Commission-
much of an act entitled "An act for establishing a loan er of loans
office for the purpose of borrowing money for the use to remove
of the United States, and appointing a commissioner his office to
for superintending the same," as directs the loan office Richmond.
thereby established, to be kept in the city of Williams-
burg, shall be and the same are hereby repealed; and
that from and after the passing of this act the commis-
sioner of loans for the time being, shall keep his said
office at the town of Richmond, or such other place as
the governour with the advice of council shall and may
direct. And be it farther enacted, That in case of the Vacancy in
death or resignation of any such commissioner during office, how
the recess of the general assembly, the governour and supplied.
council shall and may appoint some other proper per-
son to supply the vacancy thereby occasioned, to be
approved of by the general assembly.

See also original
p. 310

CHAP. XXXV.

An act for giving farther powers to
the governour and council, and for
other purposes.

WHEREAS in this time of publick danger, when Preamble,
a powerful and vindictive enemy are ravaging our reciting the
southern sister states, and encouraged by success, are necessity of
vesting the

executive
with extra-
ordinary
powers.

Power to call
out militia,
and appoint
officers of
experience.

To march
the militia
out of the
state.

Governor &
council au-
thorised to
confine or
remove dis-
affected per-
sons.

In case of in-
vasion or in-
surrection,
those who
assist the e-
nemy sub-
ject to mar-
tial law.

making a rapid progress towards our own borders, it has become highly expedient, as well to oppose the common enemy in general, as to provide for the safety and defence of this state in particular, to vest the executive with extraordinary powers for a limited time, *Be it therefore enacted, That the governour, with advice of council, shall have full power, and he is hereby required, if need be, to call into actual service, from such counties as shall be judged most proper, any number of the militia, not exceeding twenty thousand men, including those already ordered out by virtue of the act of general assembly, entitled "An act to embody militia for the relief of South Carolina."* And the militia to be called into service by virtue of this act, shall be officered and regimented by the governour, with advice aforesaid. The field officers may either be chosen from the militia field officers in the counties from whence the men shall be drawn, or from such persons as may be in this state, who have gained experience by long service in the continental army, as the governour, with advice of council, shall judge best. *When regimented, they may be marched either to the northern states, or to the assistance of any of the southern United States.* The troops to be drawn into service under this act, if marched out of this state shall be entitled to the same pay as those who are embodied by the before recited act for the relief of South Carolina. And whereas should this commonwealth be invaded, or there should be an insurrection within the same, it may be necessary for the publick security that disaffected persons should be confined or removed, *Be it enacted, That the governour be authorized, with advice of council, and he is hereby authorized and empowered, with such advice, to commit to close confinement, any person or persons whatsoever, whom there may be just cause to suspect of disaffection to the independence of the United States, and of attachment to their enemies; or to cause any such persons to be removed to such places of security as may best guard against the effects of their influence and arts to injure this community, and benefit the common enemy. And be it farther enacted, That in case of any insurrection within this commonwealth, or the same shall be invaded by the enemy, either by land or water, that all and every person or persons within the same, who shall act*

as guides to, or spies for them, or who shall furnish the enemy with provisions or other necessities; or who shall encourage desertion from the army, or who shall dissuade or discourage the militia from opposing the enemy, or who shall give intelligence, aid, or comfort to the enemy, shall, and they are hereby declared to be subject to the law martial as declared by congress on the twentieth day of September one thousand seven hundred and seventy six, in the fourth article of the sixth section, and the eighteenth and nineteenth articles of the thirteenth section of the continental articles of war. And that for the trial of such offenders, a court-martial, to consist of not fewer than thirteen commissioned officers, one of whom shall be a field officer, shall be called by the county lieutenant or commanding officer of the militia in the county where such offence shall be committed, or in any other county of this commonwealth, where such offender may be found. And such officers shall, before they proceed to trial, take the following oath, to be administered by a field officer or eldest captain present to the president of such court, and then by him to the other members. "You shall swear well and truly to try and determine, according to your evidence, the matter now before you, between the commonwealth and the prisoner to be tried; and that you will duly administer justice according to law." The commonwealth's attorney for the county where the trial is held shall attend the court, and act as judge advocate; and in case of his absence, the court is hereby authorized to appoint a person to act in his stead, and the sheriff or constable, as the court may direct, shall also attend to put in execution the orders and sentence of the said court.

Provided always, That no sentence so given shall be carried into execution until the same shall be approved by the governour, with advice of the council. And to the end that the said articles may be properly promulgated, *Be it enacted,* That the executive shall cause a printed copy of them to be sent to the county lieutenant or commanding officer of every county in the commonwealth, and direct the same to be published three times in the Virginia gazette, together with this act. *And be it further enacted,* That the powers given to the governour and council by an act of the present session, entitled "An act for procuring a sup-

Sentence not to be carried into execution until approved by governor & council.

Articles of war to be published.

Powers of
governor, as
to a supply
of provisions
extended.

ply of provisions and other necessities for the use of the army," shall be extended to the obtaining of so many live cattle, linen for tents (except so much as is necessary for the use of each particular family) horses, wag-gons, boats or other vessels and their crews, and other necessities as may be wanted for supplying the militia or other troops that are or may be ordered into actual service from this commonwealth; and also for supplying with provisions the convention troops and guard at the barracks in Albemarle; and the provisions and other necessities so obtained, shall be valued and appraised by two disinterested persons, to be chosen by the owner thereof and the commissioner, being first sworn by the commissioner, and if those two disagree in opinion, they shall choose an umpire; and in case the owner shall refuse to choose a person to assist in making the said appraisement, the commissioner is empowered to appoint both; and such cattle and other necessities shall be paid for, either in the manner as provisions procured by the said act are directed to be paid for, or by draughts on the treasury, as to the executive shall seem most convenient. *Provided always,* That not more than one half of the bullocks and barren cows belonging to any person, fit for slaughter, shall be subject to such seizure. And whereas several well disposed spirited friends to their country have offered to collect and serve as volunteers in the horse, provided they can be armed, accoutred, and provided with forage and other provisions at the publick expense, *Be it enacted,* That the governour, with advice of council, be authorized and empowered, and he is hereby authorized and empowered to call into the publick service as many companies of volunteer cavalry as the publick good may require, and to arm, accoutre, and furnish with pay, forage, and provisions, such volunteers at the publick expense *Provided* such volunteers shall agree to serve in the continental army till the last day of December one thousand seven hundred and eighty one. And such volunteers shall nevertheless compose and make part of the several divisions directed by an act passed this present session of assembly, entitled "An act for speedily recruiting the quota of this state for the continental army." And every division to which any such volunteer shall be allotted, shall have credit for, and be considered as hav-

Volunteer
cavalry call-
ed into ser-
vice.

To be cre-
dited to their
division of
militia.

ing furnished the man required by the said recited act. And whereas a good printing press, well provided with proper materials, is indispensably necessary for the right information of the people; *Be it enacted*, That the governour, with the advice of council, be authorized, and he is hereby authorized and empowered to engage with, and employ, at the publick expense, and for the publick service, a good and able printer, of firm and known attachment to the independence of the United States, who may be willing to bring a good and well provided press into this commonwealth.

Governor,
&c. authorized to set up a printing establishment, with an able editor, firmly attached to independence of U. States.

And whereas by an act passed this present session of assembly entitled "An act for putting the eastern frontier of this commonwealth into a posture of defence;" it is among other things directed that one sixth part of the militia of several counties therein enumerated, be trained and disciplined by captains and subalterns within the said counties, and held in constant readiness to march at a moments warning. *Be it enacted*, That whenever circumstances shall render it necessary to call out into actual duty the aforesaid portions of militia, the governour be empowered, with the advice of council, to appoint such and so many field officers to command them as shall be adjudged necessary; and he is also empowered, with the advice aforesaid, to appoint a major to command the marines to be raised and recruited by the said recited act; which officers shall be entitled to such pay and rations as the executive may think just and reasonable. *And be it farther enacted*, That this act shall be in force until the end of the next session of the general assembly, and no longer, except so much thereof as relates to the publick printer, the volunteers to be called into service by this act, and the officers to be appointed to command the forces raised for the defence of the eastern frontier.

Field officers to command militia on eastern frontier, how appointed.

Major of marines.

And whereas it is highly probable that the troops of every kind to be raised within this commonwealth will be ordered to act in the southern states, which will render the several places of rendezvous fixed by the act passed this present session of assembly, entitled "An act for speedily recruiting the quota of this state in the continental army," very inadequate. *Be it therefore enacted*, That the governour, with advice of council, be empowered to appoint two or more places of

Rendezvous of militia.

Subject to
continental
articles of
war.

To be tried
by militia
officers only.

Deserters,
how appre-
hended and
dealt with.

Quakers and
menonists,
on what
terms ex-
empted.

rendezvous on the south side of James river, for the purposes intended by the said recited act. *And be it enacted*, That the militia to be ordered into actual service by virtue of this law, as well as the militia already in actual service, under an act entitled "An act to embody militia for the relief of South Carolina, and for other purposes," shall, when in actual service, be subject to the continental articles of war. *Provided*, That all courts martial to be constituted for the trial of any offenders in the said militia, shall consist of such officers only as have immediate command in the said militia corps.

And whereas several soldiers lately called into service under the said recited act have already deserted, and it is likely many may desert who are to be raised under this act, and may not be taken until the militia shall be disbanded, to the great injury of the publick; *Be it farther enacted*, That the commanding officer of every county where such deserter or deserters may be found, is hereby directed to call a court-martial, to consist of five officers, not under the rank of a captain, who shall cause such deserter or deserters to be apprehended, conveyed, and delivered to the nearest officer having command in the troops of this commonwealth, to serve in the said troops for eight months; and such deserters shall moreover be subject to such rules and articles of war as the troops aforesaid are subject to. And the commanding officer of any county who shall fail to summon such court-martial, or to use his best endeavours to cause the said deserters to be apprehended and delivered as aforesaid, shall forfeit, for every offence, five hundred pounds, to be recovered in any court of record, by bill, plaint, or information, and to inure one half to the informer, and the other half to the publick.

Provided, That any quaker or menonist ordered into service by this or the last recited act, and failing to march, or deserting, shall be excused from personal service, but in every such case which hath happened or may happen, the county lieutenant or commanding officer of the militia shall direct the enlistment of a substitute, and levy the expense thereof on such of the religious society to which the delinquent belongs as

reside within his county, in the same manner as is directed by the act herein first recited, in the case of quakers and menonists, drafted for the continental service.

CHAP. XXXVI.

An act for establishing three new counties upon the western waters.

WHEREAS the inhabitants of the county of Kentucky are subject to great inconveniences for the want of due administration of justice, arising principally from the great extent of the county, and the dispersed situation of the settlements, *Be it therefore enacted*, That from and after the first day of November next, the said county of Kentucky shall be divided into three counties, that is to say: All that part of the south side of Kentucky river which lies west and north of a line beginning at the mouth of Benson's big creek, and running up the same and its main fork to the head; thence south to the nearest waters of Hammond's creek, and down the same to its junction with the town fork of Salt river; thence south to Green river, and down the same to its junction with the Ohio, shall be one distinct county, to be called and known by the name of Jefferson. And all that part of the said county of Kentucky which lieth north of the line beginning at the mouth of Kentucky river, and up the same and its middle fork to the head; and thence south east to Washington line, shall be one other distinct county, and called and known by the name of Fayette. And all the residue of the said county of Kentucky, shall be one other distinct county, and called and known by the name of Lincoln.

Kentucky county divided, and Jefferson, Fayette, and Lincoln formed

Boundaries.

And be it farther enacted, That a court shall be held by the justices of each of the said counties of Jefferson, Fayette, and Lincoln, respectively, after they shall take place, upon the following days in every month, to wit: For the county of Jefferson, upon the

Court days

the said subscription, to be by the said clerk fairly transcribed, and safely kept in his office. *Provided always*, That this act shall not extend to pardon, exonerate, or exempt from punishment, any person or persons guilty of other crimes than taking an oath of fidelity to the king of Great Britain, and enlisting for or into his service. But that every person guilty of any other crime whatsoever; and every person so as aforesaid, guilty of taking such oath of fidelity to the said king, or enlisting for or into his service, who shall fail or refuse to testify his repentance for so doing by taking and subscribing the oath of fidelity to this commonwealth, on or before the said last day of February as aforesaid, shall be held, deemed, and taken to be punishable in like manner as if this act had never been made.

This act shall be published by the sheriffs of each of the counties of Henry, Bedford, Pittsylvania, Botetourt, Montgomery, and Washington, within their respective counties, at the courthouse of the county, on some court day before the last day of January next.

See also original
pp. 330, 333

CHAP. III.

An act for recruiting this state's quota of troops to serve in the continental army.

Preamble.

Additional
troops for
the war, to
be raised.

WHEREAS the continuation of the present war arises in great measure from deficiencies in supplying the necessary quotas of troops and from their temporary enlistments when furnished, which hath induced congress and the commander in chief strongly to recommend the completion of this state's quota of men, by soldiers engaged for the war; *Be it enacted by the General Assembly, That three thousand able bodied men shall be forthwith raised for the said purpose, to be arranged in such corps or battalions belonging to this commonwealth as the commander in chief of the*

continental army shall direct. The several counties and corporations of this commonwealth (except the county of Illinois and the counties within the territory lately in dispute, between this commonwealth and the state of Pennsylvania) except the county of Monongalia, shall furnish within fifty days after their militia shall have been laid off into divisions (including such of the militia as have been consigned over to the regular service for any term not exceeding eight months) as herein after directed, the following numbers of men respectively, to wit. The county of Accomack seventy four men, the county of Albemarle fifty six men, the county of Amelia sixty nine men, the county of Amherst fifty five men, the county of Augusta eighty men, the county of Bedford ninety four men, the county of Berkely sixty eight men, the county of Botetourt forty eight men, the county of Brunswick including the county of Greenville seventy four men, the county of Buckingham thirty eight men, the county of Caroline fifty nine men, the county of Charles City nineteen men, the county of Charlotte forty men, the county of Chesterfield fifty two men, the county of Cumberland thirty men, the county of Culpeper one hundred and six men, the county of Dinwiddie forty six men, the county of Elizabeth City ten men, the county of Essex thirty nine men, the county of Fairfax forty nine men, the county of Fauquier sixty nine men, the county of Fluvannah eighteen men, the county of Frederick seventy three men, the county of Gloucester fifty two men, the county of Goochland thirty four men, the county of Green Brier thirty four men, the county of Halifax seventy men, the county of Hampshire sixty three men, the county of Hanover sixty one men, the county of Henrico thirty eight men, the county of Henry forty nine men, the county of James City twelve men, the county of Isle of Wight forty men, the county of Jefferson twenty four men, the county of Fayette eighteen men, the county of Lincoln forty nine men, the county of King & Queen thirty five men, the county of King George twenty six men, the county of King William twenty nine men, the county of Lancaster fourteen men, the county of Loudoun one hundred and seventeen men, the county of Louisa forty three men, the county of Lunenburg thirty eight men, the county of Mecklenburg sixty men, the county of Middlesex

Number to
be furnished
by each
county.

fourteen men, the county of Monongalia south of Mason's and Dixon's line being extended to the Ohio thirty men, the county of Montgomery thirty eight men, the county of Nausemond forty six men, the county of New Kent twenty five men, the county of Norfolk fifty six men, the county of Northampton thirty one men, the county of Northumberland forty three men, the county of Orange thirty seven men, the county of Pittsylvania forty five men, the county of Powhatan twenty two men, the county of Prince Edward thirty four men, the county of Prince George twenty six men, the county of Princess Anne thirty seven men, the county of Prince William forty eight men, the county of Richmond thirty two men, the county of Rockbridge thirty eight men, the county of Rockingham forty nine men, the county of Shenandoah fifty seven men, the county of Southampton fifty two men, the county of Spotsylvania forty two men, the county of Stafford forty five men, the county of Surry twenty four men, the county of Sussex forty two men, the county of Warwick seven men, the county of Westmoreland thirty men, the county of Washington forty three men, the county of York fourteen men, and the city of Williamsburg nine men. And in order to raise an adequate bounty for the purpose of enlisting the said men upon the most just and equal terms; *Be it farther enacted*, That all persons within this commonwealth, shall be compelled and are hereby required to pay two per centum on all property taxed in specie, under the act intituled "An act for calling in and redeeming the money now in circulation and for emitting and funding new bills of credit according to the resolutions of congress of the eighteenth of March last," which said two per centum shall be paid either in specie, in the new bills of credit emitted under the resolutions of congress of the eighteenth of March last, in any other paper money current in this state at the rate of forty for one, in crop tobacco inspected since the first day of April last at the rate of seventy pounds of the last mentioned currency per hundred, or in good merchantable hemp at the rate of three hundred pounds of the like currency per hundred; provided that such hemp be previously delivered to a commissary appointed by virtue of an act intituled "An act for laying a tax payable in certain enumerated commodities," who shall give a

certificate for the same, expressing the weight thereof and the name of the proprietor; and the commissioners of the tax are hereby empowered to dispose of such hemp for the best price that can be obtained, so that it be not less than the rate aforesaid; and they shall transmit to the governour within twenty days after the day of draft, all such certificates and tobacco notes which remain undisposed of, and in no other alternative or certificates whatsoever.

And that the said tax or bounty may be collected in the most expeditious manner, *It is farther enacted,* That the commissioners of the tax in each county shall be furnished by the executive with a copy of this act as soon as may be, and shall immediately upon the receipt thereof, give directions either to an assessor or to some other person within each hundred to collect the same, which collector shall proceed immediately so to do, and if any person liable to the said tax shall not within fifteen days after having received notice of the amount of his tax discharge the same, the said collector shall have power to distrain for it in the like manner as is done for the other taxes; the said collector shall within forty days after his appointment, account for and pay to the said commissioners, or such of them as are not county lieutenants or commanding officers of the militia, all monies, tobacco notes, and certificates for hemp, to be by him received under this act, deducting thereout three per cent. on the amount of his collection, which shall be allowed him for his trouble. So much of the money thus received by the said commissioners as will be sufficient to discharge in their county the bounties hereafter expressed, shall be by them paid to the several recruits on the day of draft, and the balance transmitted to the treasurer of this commonwealth within twenty days after such draft; and if the tax to be raised in any county shall be insufficient to discharge the bounties due to the recruits raised in the county, the commissioners shall on the said day of draft, distribute the money as far as it will go among the several recruits and drafts, in proportion to the bounties hereby allowed to each, and they shall moreover state to the treasurer an account of the men raised in their county, distinguishing between those who enlist voluntarily for the war or for three years, and those who are drafted, and draw on him for

Taxes, when
and how col-
lected.

the balance due to the several divisions, which money shall be paid to the first man named on each division, so as to make up the full bounty hereafter allowed. The said commissioners shall take bond of each collector in double the amount of the money to be by him collected, for the faithful discharge of his duty, and if he should fail to account for and pay the money at the day appointed, the commissioners are hereby empowered and required to distrain on him for the amount of the same, in like manner as he may distrain on others. If the commissioners should fail to pay the money after they have received it, the commanding officer of the militia shall, on previous notice being given, obtain a judgment against them on motion for the amount of the said tax, either in the court of their county or in the general court, and they shall moreover for this or any other neglect of duty, be subject to the penalty of fifty thousand pounds of tobacco each. If any collector shall refuse to act when appointed, or shall in any other manner neglect his duty as herein defined, he shall forfeit and pay fifteen thousand pounds of tobacco.

Mode of re-
cruiting men
for three
years or the
war.

And be it farther enacted, That the county lieutenant or commanding officer of each county or corporation within this commonwealth, except as is before excepted, shall immediately after the receipt of this act, summon the field officers of his county or corporation, the four senior magistrates, not being field officers, and the commissioners of the tax, to meet at such place as he shall appoint, within ten days after due notice to them given; which said field officers, magistrates, or a majority of those attending, having first taken an oath, to be administered by the senior magistrate then present to the other members, and by some one of the others to him, to do equal and impartial justice to the best of their judgment therein, shall, with the assistance of the captains or commanding officers of the several militia companies, who shall also be summoned to attend with their rolls, distinguishing carefully thereon, invalids, those persons who may be under eighteen years of age, those who may have come within the district of his company to reside, and also those who may have removed or died since the delivery of his last list to the lieutenant of the county; all which informations shall be given on oath, proceed to lay off and divide

the militia, including all the commissioned and non-commissioned officers under the age of fifty years, into as many divisions as the number of men required by this act shall make necessary, taking care to number each division, which the commissioners shall keep a copy of; and that each division shall, taken collectively, possess as nearly as may be an equal share of property, to be averaged according to the said assessment in specie, all men who have been adjudged to serve six months in the army, in consequence of delinquencies on the late invasion, and those who may have taken paroles of the enemy on the late invasion, not being taken in arms, shall be included in the said divisions, and drafted with the rest; and any division may get a recruit out of such six months men, or any eight months men then in service; the divisions thus constituted may appoint some one of their body to recruit a man to serve in the continental army during the war, or for the term of three years. And in order to encourage enlistments, the sum of twelve thousand dollars shall be paid by the commissioners of the county to each recruit for the war, and the sum of eight thousand dollars to each recruit for three years, provided the above tax shall produce so much in their county, and if it shall prove deficient, the said division may compound therefor with their recruit, and the balance shall be repaid them as soon as the commissioners shall draw it from the treasury as before directed. And each recruit, and also all our soldiers now in service that have already enlisted, or who may hereafter enlist by the said first day of April next to serve during the war, and who shall continue to serve faithfully to the end thereof, shall then receive a healthy sound negro, between the ages of ten and thirty years, or sixty pounds in gold or silver, at the option of the soldier in lieu thereof, to be paid for, or procured by equal assessment on property; and moreover be entitled to three hundred acres of land, in lieu of all such bounties given by any former laws.* Provided, that no

Additional
bounties.

Land
bounty; 300
acres to sol-
diers who
have enlist-
ed, or shall
enlist, and
serve to the
end of the
war.

* On the subject of land-bounties, see the note to page 161 of this volume, in which a reference to this act was omitted.

The provisions of this act, which grants 300 acres of land to soldiers who *had* enlisted or should enlist for the war, and who should serve to the end thereof, instead of 200, as by the former act of October 1779, (*ante* p. 160) have been entirely overlooked, in practice. The reason is very obvious: those who were

soldier shall alienate or assign his title to the said land or slave, until his time of service shall expire. The

called upon to execute the various laws, upon this subject, naturally looked to the *Chancellors' Revisal*, as containing *all* the laws, in relation to land-bounties. But unfortunately, in that collection, which was a mere *compilation*, (See note to vol. 9. p. 176;) a great number of acts were omitted, the *titles* only being published. Such was the case with the act before us. It is remarkable that, at this same session, the proportion of land bounty to officers was encreased *one third*, in addition to any former bounty, (see post chap. 27, sec. 4;) and it is but reasonable to suppose that the legislature intended the same liberality to the soldiers. But the *title* of this act, only, having been printed in the *Chancellors' Revisal*, and the act at large, granting an encrease of bounty to the officers, being published in that collection, the officers received their full quantity, while the soldiers have never received any land under this law.

Upon the whole, nothing seems clearer than that, *all our soldiers who were in service at the passage of this act, who had already enlisted, or who might thereafter enlist by the first day of April 1781, to serve during the war, and who continued to serve faithfully to the end of the war, are entitled to 300 acres of land, in lieu of all such bounties given by any former laws.* The former bounty, we have already seen was 200 acres.

It may be asked, why was not this law practised upon after the revolution? And why has it been permitted to remain so long a dead letter upon our statute book? If the want of its publication in the *Chancellors' Revisal* already noticed should not be deemed sufficient, other reasons may be offered. The act itself, is a very long one, occupying nearly five quarto pages, in the original, not separated by sections, and wanting marginal notes; nor is there any thing in the *title* which would lead to the conclusion that it contained any such provisions, as those found to exist in it. The Chancellors, in their compilation, no doubt, glancing at the title, and perceiving it to be "*An act for recruiting this state's quota of troops to serve in the continental army;*" had no difficulty in writing in the margin "*Had its effect*" and directing the title only to be published. The editor of this work candidly acknowledges that, although for upwards of thirty years he has made the laws of Virginia an object of his peculiar research; although for several years of that period he was a member of the executive council, and often called on, in his official capacity, to pass on claims for land bounty, and sincerely *thought* he had examined and noted *every law* in relation to that subject; yet that he never did read more than the title of this act, until the present day (August 1822) when he was compelled to read the whole act, in order to annotate it for the press. But is it more extraordinary that this set should pass unnoticed, which was never published in the *Chancellors' Revisal*, than that the act of May 1782, chap. 47, sec. 9, which gave an additional bounty for every year's service over six, and which found a place in that collection, should not have been acted upon until many years had elapsed, and many hundreds of warrants had been issued, without that addition to officers and soldiers, who, after the discovery of the law, received their additional allowance. Yet such was the fact.

said recruiting officer shall not enlist a man out of any other division, until such division shall have procured a man for itself. The county lieutenant or other commanding officer of the county or corporation shall assemble, before the said fiftieth day after the receipt of this act as aforesaid, his militia, at such place as he shall appoint; and if any division shall then fail to deliver a recruit as aforesaid, fit for present duty, between the ages of eighteen and fifty years, of able body and sound mind, who is neither a prisoner of war, a deserter from the enemy, nor engaged to serve for a longer term than eight months. The said commanding officer, together with the field officers and captains, or a majority of those present, shall immediately proceed to draft an able bodied man, by fair and impartial lot, out of such division, to serve in the continental army during the term of eighteen months, to be computed from the time of such draft, who may nevertheless be permitted to procure a substitute to serve for the said term of eighteen months, at any time within ten days after such draft. No man shall be drafted, unless it shall appear to the said commanding officer that he comes within the above discription of a recruit; neither shall any recruit or substitute be accepted of by him, unless he comes up to such discription. The said draft shall also be allowed the sum of four thousand dollars, to be paid him by the said commissioners, out of the funds hereby provided. The said commanding officer of the militia shall, within thirty days after such draft, make a return to the governour of the number of men raised within his county; and also the particular number of each division.

If quota not
recruited, to
be drafted
for eighteen
months

And be it farther enacted, That the commanding officer of each county may, after the said day of draft, furlough the soldiers obtained under this act for the space of ten days, after which they shall be marched to such places, and under such regulations as the governour and council shall direct, at which place the said recruits shall be received by an officer to be appointed by the governour, with the advice of council, for that purpose, who shall give to the officer delivering the said recruits, a receipt in the name of the commanding officer of the county or corporation furnishing the men, specifying their number, and the time for which they are enlisted, and shall also transmit to the

Troops, how
furloughed,
reviewed, &
rendezvous-
ed.

governour, a duplicate of such receipt. The officer delivering the said recruits shall, at the same time give to the officer receiving them, a return to be made out for him by the respective commanding officers of militia, specifying in distinct columns, the names, age, size, trade, county from whence sent, place of residence, time enlisted for, date of enlistment, and whether drafted or enlisted, of each man. Every person failing to do his duty as herein directed, shall forfeit and pay the following sums of tobacco, to wit: A county lieutenant or commanding officer of militia, shall forfeit fifty thousand pounds; a field officer, magistrate, or commissioner, forty thousand pounds each; and each captain, thirty thousand pounds of tobacco. All penalties imposed by this act shall be recovered with costs, in any court of record, on bill, plaint, or information, and be applied, one half to the informer, and the other towards lessening the levy of the county, or the whole towards lessening the said levy, where there shall be no informer, except in those cases where the mode of recovery and application are particularly declared.

Mutiny, or resistance to this act, how punishable.

And be it farther enacted, That if any person on the day appointed for the draft shall behave himself mutinously or riotously, or endeavour to excite mutiny, riot, or resistance to the execution of this act, each person so misbehaving shall be, and he is hereby declared a soldier for the war, in this state's quota of continental troops. And for the purpose of enquiring into such offences, if any such there shall be, the commanding officer of any county where such misconduct shall take place, shall call a court-martial of field officers and captains of the county, or a majority of them, within six days after such draft, and upon due enquiry and proof produced of any such offender, the said court shall have power, and they are hereby directed to cause such offender or offenders to be arrested and conveyed, with the recruits obtained by this act, or sent to the army as speedily as the case can admit; *Be it farther enacted,* That any quaker or menonist, who shall be so drafted, shall be discharged from personal service; and the commanding officer at the time of such draft shall, and he is hereby required to employ one or more discreet persons to procure, on the best possible terms, a proper substitute or substitutes, to serve in his or their room for eighteen months; towards which the said sub-

Quakers and menonists drafted, exempted from personal service, but a substitute to be furnished at expense of society.

stitute shall be paid the same sum to which a draft is entitled; and the overplus of the charge, if any, shall be adjusted and divided among all the members of the society of quakers or menonists in the county, in proportion to their assessable property, and to authorize the sheriff of the county, by warrant under his hand, to levy such charge by distress, in case any member refuses or neglects to make payment thereof within five days after the same is demanded, upon the goods or chattels of the person so refusing or neglecting.

Where any desertion shall happen before the recruits are marched from the place of rendezvous within the county in which they were raised, the commanding officer of the militia, on notice thereof with a description of the deserter, shall take the necessary measures for his apprehension and delivery at the nearest place of general rendezvous within the state. Any soldier falling sick at the place of rendezvous, or in his march may, at the request of his officer, be delivered to any justice of the peace within the county, who shall grant a certificate of such delivery, and make provision for his maintenance and recovery, the charges whereof being adjudged reasonable by the court of the county, shall be paid at the publick treasury. It shall be lawful for any justice of the peace, upon application from the commanding officer of any detachment, to authorize such commanding officer to impress into the publick service as many waggons, teams, and drivers as the nature of the service may, in the opinion of the magistrate, require; the owner of which shall be allowed fifty pounds of tobacco per day, and be found as usual, for each waggon, team, and driver; provided that no such impress shall extend to a longer period than six days, besides a reasonable time for returning home.

Desertions,
how guard-
ed against.

Sick soldiers
provided for.

Waggons se-
cured by im-
pressment.

And whereas it has been a practice of many tradesmen to entice their apprentices to enlist as soldiers, and to sell them as substitutes for large sums of money; *Be it enacted*, That if any tradesman or other person to whom any infant is, or shall be bound as an apprentice, shall directly or indirectly take or receive, or agree to take or receive any money or other gratuity in consideration of such apprentice, his enlisting as a soldier or sailor in any corps whatsoever, every such tradesman or person so offending, not being an able

Penalty on
masters re-
ceiving any
considera-
tion for the
enlistment
of their ap-
prentices.

bodied man under the age of fifty years, shall forfeit and pay double the sum of money or worth of such other gratuity so taken, received, or agreed for, to be recovered by action of debt or information, in any court of record within this state, one moiety thereof to the use of the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in the continental army during the war; and every such offender, being an able bodied man under the age of fifty years, and being thereof convicted before a court-martial, shall be deemed a soldier to serve in this state's quota of continental troops during the war, and shall be by the commanding officer of the militia of his county, delivered to some continental officer belonging to this state.

Penalty for
selling re-
cruits.

And whereas a practice has prevailed of enlisting men for small bounties and afterwards selling them to districts or divisions for higher bounties than was given such soldier, which has greatly injured the recruiting service; *Be it enacted*, That every person guilty of such offence, shall be subject to the same penalties as tradesmen and others enlisting or selling their apprentices are subject to. And whereas the penalties imposed by the laws now in force, have been found not sufficient to prevent evil disposed persons harbouring or concealing deserters, to the great injury of the army; *Be it enacted*, That if any person or persons whatsoever, other than a son harbouring or concealing his father, a wife her husband, or a mother her son, knowing the person so harboured or concealed to be a deserter from the continental army of this or any other of the United States or from the troops of this commonwealth, every person so offending, over and above the penalties heretofore inflicted by law, if a woman, or not being an able bodied man, under the age of fifty years, for every such offence shall suffer six months imprisonment or forfeit and pay five thousand pounds of tobacco, to be recovered by action of debt or on information in any court of record within this state, one moiety thereof to the use of the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in this state's quota of the continental troops during the war; and every such offender, being an able bodied man under the age of fifty years, being convicted thereof before a court-mar-

Additional
penalties for
concealing
deserters.

tial of his county, shall be deemed a soldier to serve in this state's quota of continental troops during the war, and shall be by order of the commanding officer of his county, delivered to some continental officer belonging to this state. And that the penalties inflicted by this act, which are cognizable before a court-martial, may be inflicted, without delay, on all offenders, the county lieutenant or commanding officer of the county where the offence is committed, on information being made him, shall cause a court-martial to be held, to hear and determine thereon, to consist of five members, not under the rank of a captain, one of whom shall be a field officer; and every officer failing to attend such court-martial, being summoned thereto, without a reasonable excuse, if a field officer, shall forfeit and pay two thousand pounds of tobacco; if a captain, one thousand five hundred pounds of tobacco, to be recovered before any court-martial; one moiety of the same to be to the informer, and the other moiety to the use of the commonwealth, to be applied as a bounty to enlist a soldier in the continental army during the war. *And be it farther enacted*, That from and after the first day of April next ensuing, any person enlisting a soldier between eighteen and fifty years of age, of able body, sound mind, at least five feet four inches high, and not being a deserter from the enemy, or from any corps of regular troops in the service of this or the United States, to serve during the war in the troops of this state in continental service, or a soldier in any of the aforesaid troops, and delivering such soldier to a person to be authorized by the governour to receive such recruits in each county, shall be exempted from all future drafts and all musters of the militia, except in case of an insurrection or actual invasion of this state, and then shall be subject to serve within the state only. The better to authenticate the delivery of such soldier as aforesaid, the receiving officer shall grant to the party producing him, two receipts, one of which shall be transmitted to the governour, and the other kept by himself for his voucher; which last, with the governour's indorsation, certifying that a duplicate thereof hath been lodged with him, shall entitle the party enlisting such soldier to the exemption intended by this act.

Person enlisting a soldier for the war, exempted from all further drafts or militia duty.

of tobacco annually, for all his *ex officio* and publick services, to cominence from the tenth day of December, one thousand seven hundred and seventy nine, to which period allowance hath been made for the same, and that the auditors of publick accounts be authorized and required to issue their warrant upon the publick treasurer for payment of the same quarterly, according to the estimated price of crop tobacco made by the grand jury next preceding the time of issuing such warrant.

See also original p. 380

CHAP. XXXI

An act for the defence of the eastern frontier of this commonwealth. [Chan. Rev. p. 136.]

I. WHEREAS the trade of this commonwealth hath of late been greatly obstructed, and the citizens of the same inhabiting the shores of the navigable rivers and bays, greatly distressed by means of small cruizers belonging to the enemies of America, which might be effectually prevented by a small force provided for that purpose: *Be it therefore enacted by the General Assembly,* That the brig Jefferson, with the armed boats Liberty and Patriot, be forthwith manned and fitted out for the purpose of suppressing the cruizers belonging to the enemy, and affording protection and safety to the good citizens inhabiting the shores of the bay and rivers, exposed to the ravages of such cruizers. The Thetis and the Lewis galley shall also be forthwith and without delay, made ready and compleated for the same service. That the armed vessels aforesaid, as well as others hereafter to be fitted for the service of the commonwealth, may with the greater ease and expedition be manned, the governour with the advice of council may, and he is hereby authorized and empowered, if the exigencies of the service aforesaid should render it necessary, to issue his warrant to any officer commanding an armed vessel in the service of this state, autho-

Preamble.

Naval force to be fitted out.

rizing and directing such officer to impress into the service of this commonwealth any seamen or mariners,

under the following restrictions and limitations: The

Impress-
ment of sea-
men autho-
rized, under
certain re-
strictions.

seamen on board any vessel belonging to the inhabit-
ants of either sister state, and those on board any ves-
sel belonging to foreigners, and in no part owned by
any inhabitant or inhabitants of this commonwealth,
shall be and the same are hereby exempt from impress-
ment. The seamen on board any vessel to whomsoe-
ver belonging, loaded and outward bound, shall also
be exempt from impressment. The seamen or mari-
ners on board any other ship or vessel, except as be-
fore is excepted, shall and may be impressed into the
service of the state, by warrant from the governour as
aforesaid; provided that not more than one fifth man
be taken from on board any such ship or vessel. The
seamen or mariners so as aforesaid impressed into the
service of the commonwealth, shall not be compelled
to serve at any one time more than nine months, and
when their time of service shall be ended, such men as
shall faithfully continue to serve during the said term
of nine months, shall be exempt from any future im-
press for twelve months thereafter; and to ascertain
such faithful service, the officer discharging any sea-
man after the said term of nine months service, shall
give a certificate to such seaman, stating the time of
his service and when it ended or expired.

Pay of sea-
men.

II. In order to render the naval service more agree-
able, and to enable the seamen and mariners who may
by virtue hereof be impressed into the service, or those
who may voluntarily enlist or have already voluntari-
ly enlisted into the same, to provide themselves with
the necessaries of life, the pay of all such able seamen
and mariners shall henceforward in lieu of the pay
heretofore allowed, be two shillings per day, and the
pay of ordinary seamen or landsmen shall be one shil-
ling and six pence per day, and the pay of boys one
shilling per day, in specie; and if it should so happen
that the specie cannot be procured for the purpose of
paying the same, then such seamen and boys shall re-
ceive in lieu thereof as much paper money as will be
equivalent to the pay aforesaid, at the time the same is
received by them, the difference between which, from
time to time, shall be ascertained by the governour
with the advice of council. The officers and men on

board any armed vessel in the service of this commonwealth, shall henceforward be entitled to the whole of any prize by them taken, to be distributed among them according to the continental regulations in such cases made and provided, saving nevertheless the right to all and every person or persons of claiming such prize as a recapture or otherwise, according to the admiralty regulations established by the continental congress or by this commonwealth.

Officers and
seamen en-
titled to the
whole of any
prize taken.

III. For more effectually clothing and providing necessities for the seamen in the service of this state, and discharging with punctuality their pay, the governour shall and he is hereby directed from time to time to issue his warrant to the paymaster of the navy, for as much money as may be necessary to purchase canvas for hammocks, clothing, and slops, for the seamen and mariners, and also for their pay; the purchases of such canvas, clothing, and slops, shall from time to time be made, with advice of the commissioner of the navy, and when made, distributed by the said commissioner among the seamen and mariners, as he shall judge proper and necessary for the good of the service. The pay-master shall once in six weeks settle his accounts with the auditors of publick accounts, and in case of failure, the auditors shall and they are hereby directed to proceed against such pay-master as they are directed to do against delinquent sheriffs and collectors. The captains of each and every armed vessel in the service of this state, shall carefully attend to the issuing the clothing and slops to the seamen and mariners on board their respective vessels, and keep an exact account thereof against each seaman and mariner for what he receives, and the amount thereof shall from time to time be deducted from each seaman's pay, a copy of which amount shall in due time, before the day of payment, be by every captain returned upon oath to the pay-master, that he may ascertain the sum due to each seaman; a like copy shall also by each captain be returned to the commissioner of the navy once in every six months, who is hereby directed to lodge the same in the auditors office as a check upon such pay-master. Henceforward in lieu of the pay and clothing heretofore allowed to the officers of the navy, they and each of them shall receive the following allowances, to wit: A commodore fourteen shillings, a captain eight shil-

Clothing &
necessaries,
how provid-
ed.

Pay of offi-
cers & staff.

lings and three pence, a lieutenant six shillings, a master five shillings, a mate, four shillings, a midshipman two shillings and nine pence, a quartermaster two shillings and nine pence, a boatswain four shillings, a boatswains mate two shillings and nine pence, a sail maker two shillings and nine pence, a gunner four shillings, a gunner's mate two shillings and nine pence, a quarter gunner two shillings and six pence, an armourer two shillings and six pence, a carpenter four shillings, a carpenter's mate two shillings and six pence, carpenter's crew two shillings each, a surgeon six shillings, surgeon's mate three shillings, and master at arms two shillings and six pence, per day, in specie, and in case specie cannot be procured, then as much paper money as will be equivalent to each officers pay as above, to be ascertained in the same manner as the pay of the seamen and mariners, shall be received by each officer.

Duties, on
goods im-
ported, to
support the
navy.

IV. That vessels of war in the service of this commonwealth may be properly supported, for the purpose of protecting the trade of Chesapeake bay, the following duties shall be paid by the owner or master of every merchant vessel to the naval officer of the port where such merchant vessel enters, to wit: A duty of fifteen pence in specie, shall be paid by the owners of each merchant vessel upon every ton such vessel will carry, which shall be ascertained by the register of such merchant vessel; upon every gallon of rum, gin, brandy, and other spirits, imported into this commonwealth by water, a duty of one penny in specie shall be paid; upon Madeira wine four pence per gallon; upon all other wines two pence per gallon in specie; upon molasses and other syrups a duty of one penny per gallon; upon coffee a duty of one shilling per hundred weight shall be paid; upon loaf sugar one shilling and six pence for every hundred weight shall be paid; upon clayed sugar one shilling and three pence shall be paid for every hundred weight; upon Muscovado sugar there shall be paid a duty of one shilling for every hundred weight; upon all imported dry goods, except salt, munitions for war, and iron from Maryland, there shall be paid one per centum upon the value, to be ascertained by the cost thereof, at the port where laden or put on board, by the captain or owner of the vessel importing the same. The duties hereby imposed, shall

be paid in specie or current money of this commonwealth equivalent thereto (the ratio whereof shall from time to time be fixed by the governour and council and transmitted to the respective naval officers) by the captain or owners of all and every vessel or vessels, at the port of importation, to the naval officer of the district with whom such vessel or vessels shall be entered; for the true and due collection whereof, every captain of a vessel shall at the time of entering the same, give bond and approved security to the naval officer, well and truly to pay the same within one month after such importation, the penalty of which bond shall be two thousand pounds specie, for a vessel of one hundred tons burthen, and one thousand pounds like money for a vessel of fifty tons burthen, and so in proportion for a larger or smaller vessel trading to this state; and where any vessel importing any of the dutiable articles aforesaid shall arrive in this state, the captain of which shall fail to give such bond as aforesaid, to the naval officer with whom his vessel shall be entered, at the time of entering the same, such vessel with her tackle apparel and furniture shall be subject to seizure by the naval officer or his deputy for the district wherein such vessel lies, and shall be forfeited, one half to the use of the commonwealth, the other half to the use and benefit of the naval officer or other person prosecuting for the same. And where any captain or commander of a vessel, trading to this commonwealth, shall after having entered into bond as aforesaid, secrete or conceal, or where the owner or owners of such vessel shall secrete or conceal any of the dutiable articles aforesaid, to avoid the payment of the duty imposed upon the same, the vessel with her tackle, apparel, rigging, and furniture, shall be forfeited therefor, one half of which forfeiture shall be to the use of the commonwealth, the other half to the person or persons who shall inform and prosecute for the same. To prevent delays in the payment of the duties hereby imposed, it shall and may be lawful for the general court, or court of the county wherein the naval office is kept, for the district within which any failure may happen, upon motion made by such naval officer, to give judgment against the person making default and his securities, their heirs, executors, and administrators, for the sum remaining due, with costs, and to award execution for the same, the

How collected.

parties having ten days notice of such motion. Each and every naval officer, before he enters upon the duties of this act, shall give bond with approved security, payable to the governour of the commonwealth for the time being, in the penalty of ten thousand pounds specie, conditioned, for the true and faithful performance of the duties hereby required of such naval officer, and in case of refusal, shall forfeit his office. Each and every naval officer after having entered into bond as aforesaid, which bond shall be lodged in the auditors office, shall once in every six months settle his accounts with the said auditors of publick accounts and after deducting five per centum for his commissions, shall pay the balance due from him for the duties hereby imposed, into the treasury, stating in each account by him rendered, from whom and for what the duties by him to be collected were paid. As an encouragement to captains and masters of vessels to make a true and faithful return of dutied goods, they shall be allowed to import in any vessel of one hundred tons burthen, two hundred pounds worth at first cost of goods, duty free, and to captains of any vessel of fifty tons burthen, there shall be allowed the privilege of importing one hundred pounds worth of goods at first cost, duty free, and so in proportion for larger or smaller vessels; but this privilege shall nevertheless be forfeited upon discovery of willful concealment or an untrue report made by any such captain or commander to the naval officer.

Encouragement to masters of vessels to make a true report.

Regulations of congress adopted for trial of offenders.

Allowance to pay-master.

V. The rules and regulations established by congress, shall in future be observed in this state, for the trial and punishment of all offenders in the navy of this commonwealth, and the workmen employed in the publick ship yard, foundery, rope walks, and other publick works, shall be and they are hereby declared to be exempt from military duty of every kind, if engaged to serve for six months. The duties hereby to be collected, shall be appropriated solely to the purposes of the navy of this commonwealth, and a distinct and separate account thereof shall be kept by the treasurer, stating the monies received upon these funds and the expenditure thereof. The pay-master, for his services herein, shall be allowed two and a half per centum upon all the money by him expended in discharge of the duties hereby imposed upon him, in lieu of all former pay by him heretofore received.

VI. For the more effectual future protection of the trade of Chesapeake bay, the commissioner of the navy shall, and he is hereby required, to obtain as speedily as possible, a true and exact plan of the galleys built by order of congress, at Philadelphia, in the year of our Lord one thousand seven hundred and seventy six, and as soon thereafter as may be, to cause two galleys of the same size and on the same construction, to be built and equipt to carry two thirty two pounders in the bow, and the like number in the stern, with six pounders at the sides; the said galleys shall be rigged as the commissioner of the navy shall direct, and the rigging, sails, guns, and other materials, shall be provided while the said galleys are on the stocks, to the end that no time may be lost in equipping them for a cruise after they shall be launched.

Two galleys to be built of the same construction as those at Philadelphia

VII. And whereas by an act of assembly passed in the year of our Lord one thousand seven hundred and forty eight, entitled "An act for the better management and security of orphans and their estates," the county courts are directed to cause such orphans coming under certain descriptions therein mentioned, to be bound out, *Be it enacted*, That the same shall be, and is hereby amended, so far as that the said county courts, instead of binding out all such orphans as shall come within the description in the said act contained, they shall and are hereby empowered and required to cause one half of such male orphans at least, who may live below the falls of the respective rivers in the eastern parts of this commonwealth, to be bound to the sea, under the most prudent captains that can be procured to take them.

Courts shall bind out at least half their male orphans to the sea.

VIII. To the end, that an hospital for the relief of sick and disabled seamen may be established, the several and respective naval officers within this commonwealth shall receive from each captain or commander of any vessel belonging to the same, at the time of their entrance or clearance, nine pence a month in specie, or an equivalent in current money as aforesaid, out of the wages due to the seamen on board his vessel; an account of which, each and every captain is hereby required to render upon oath, and pay to such naval officer, before he shall be permitted to clear or enter his vessel. And the paymaster of the navy shall deduct out of the wages due to the seamen and mariners in

Hospital for seamen established, by a duty on mariners.

the state, the like sum from their monthly pay, which sums, when collected, shall be paid by the naval officers and pay-master respectively, into the hands of such person as the governour, with the advice of council, shall appoint, the naval officer deducting therefrom five per cent. for his trouble of collection; and the hospital shall also be established at such convenient place as the governour, with the advice of council, shall fix upon, and be under the management of some proper person by him to be appointed for that purpose. All the other vessels belonging to this commonwealth, not herein before-mentioned, shall immediately be sold, under the direction of the commissioner of the navy, for the most that can be got for the same, in such manner as shall be most conducive to the publick interest; and the money arising from such sale shall be applied to the purposes of the navy.

Where hos-
pital situa-
ted.

CHAP. XXXII.

An act to revive and amend an act entitled An act for giving farther powers to the governour and council.

Act giving
further pow-
ers to the
governor &
council, re-
vived and
continued.

WHEREAS the act passed last session of assembly entitled "An act for giving farther powers to the governour and council," has expired, and it is expedient and necessary that the same should be again revived and amended, *Be it therefore enacted*, That the said recited act is, and stands hereby revived, and shall continue and be in force from and after the passing hereof, until the end of the next session of general assembly. And whereas by the arts of the enemy joined by disaffected persons, riots have taken place in some counties injurious to the peace and dignity of government; to prevent such pernicious practices in future, and in order to aid the civil power in the due and effectual execution of the laws, *Be it enacted*, That wherever

to congress for a controuling power over the said continental staff: *Provided*, That care shall be taken to keep distinct accounts of the supplies furnished by this state for continental purposes, and that regular returns be made thereof to the board of auditors for this state, to be kept as vouchers for the said supplies.

Rules in impressments, under this act.

And be it enacted, That all property taken or impressed by virtue of this act shall be duly appraised in specie on oath by two indifferent persons, and a certificate thereof delivered to the owner; and every person acting under an appointment from the governor to make impresses of any property whatsoever, shall previously shew his said appointment to the person or persons concerned, or to his or their agent if to be found: Any person making impressment contrary hereto shall forfeit and pay double the value of the thing impressed. This act shall continue and be in force from and after the passing thereof until the end of the next session of assembly, and no longer.

See in general

CHAP. VIII.

An act to amend the act for regulating and disciplining the militia, and for other purposes.

Militia in actual service, subject to articles of war.

WHEREAS the now existing laws to regulate and discipline the militia and for providing against invasions and insurrections, have been found inadequate to the end, *Be it therefore enacted by the General Assembly*, That the militia of this state when drawn out into actual service, and acting separately or in conjunction with regular troops, shall be and they are hereby declared to be subject to the continental rules and articles of war, except as hereafter is excepted; which shall be previously read to the militia so drawn into service. That every militia-man ordered into actual service, who shall refuse and neglect to appear at the time and place of rendezvous appointed for the company, corps or de-

tachment to which he belongs, without a reasonable excuse, or produce an able-bodied substitute to serve in his room (but no person shall be admitted as a substitute except he belongs to the militia of the same county, and if it shall come to such substitute's tour of duty before he returns, then the person employing him shall be obliged to serve in his room or procure a second substitute) shall, upon conviction before a court-martial, be declared a regular soldier for six months, and shall, by order of such court-martial, be delivered to a continental officer for that purpose, who shall give to the officer delivering him a receipt descriptive of his age, person, occupation, and residence, which receipt shall be returned to the county lieutenant or commanding officer of the county to which the delinquent belongs, to the end that every such delinquent may, in case of desertion before the expiration of his term of service, be duly apprehended and punished agreeable to the law-martial. And for the due conviction of all such delinquents, a court-martial shall, by order of the county lieutenant or commanding officer, be held within ten days at such place as he shall appoint, under the penalty of ten thousand pounds of tobacco on such county lieutenant or commanding officer neglecting to order the same, and of five thousand pounds of tobacco upon every member of such court failing to attend without a reasonable excuse.

And be it enacted, That where any quaker or menonist shall be allotted to any division of the militia, who is to perform the succeeding tour of duty, he shall not be compelled personally to serve the same, but it shall and may be lawful for the commanding officer of the militia of said county, to cause to be levied on all the society of quakers and menonists in such county according to their assessable property, by warrant under his hand directed to the sheriff or any person or persons whom he shall appoint, such sum or sums of money as he shall think sufficient to procure a substitute for each quaker or menonist whose tour of duty it is, and the money when collected shall be deposited in the hands of the commissioners of the money tax, who shall pay the same on warrant from the commanding officer of the said militia, to such substitute or substitutes as may be employed for such quaker or meno-

Failing to appear at rendezvous, when ordered to march, or find a substitute, declared a regular soldier for 6 months

Rules as to substitutes.

Quakers or menonists, not compelled personally to serve; but a substitute provided at expense of society.

nist, and the overplus (if any) shall be returned to the said quakers or menonists in equal proportion to their different advancements or credited in their next money tax; and in case the money so collected shall not be applied as above directed before the next assessment, the said commissioners shall allow the same in discount of their several taxes. Any sheriff or collector failing to perform his duty as above, shall forfeit and pay five thousand pounds of tobacco, and each of the said commissioners who shall fail to perform his duty, shall forfeit and pay five thousand pounds of tobacco, to be recovered on motion by the said commanding officer of the militia in any court of record, giving ten days previous notice. The fines thus recovered shall go towards satisfying the quakers or menonists who shall be aggrieved thereby, and the overplus towards enlisting a soldier to serve in the continental army.

Penalty on
militia de-
serting.

And be it farther enacted, That any militia-man deserting while in actual service with public arms, shall, upon conviction before a court-martial, suffer death, or such other punishment as the said court shall inflict. And every militia-man deserting without public arms, shall suffer such punishment, not touching life or member, as a court-martial shall direct; to which end, if such deserter be apprehended before the discharge of the company, corps or detachment to which he belongs, he shall be forthwith returned thereto and be tried by the rules of the law-martial; but if such corps, company or detachment shall have been previously discharged, then such deserter shall be tried by a court-martial of the county to which he belongs; such court to be ordered by the county lieutenant or commanding officer of the militia upon receiving notice of the apprehension of any such deserter, under the same penalty for his neglect in so doing and for the failure of attendance in any member of such court as is before directed. And for the information of the county lieutenant or commanding officer of the militia, the officer commanding a company, corps or detachment, to which such deserter belongs, shall certify the same as soon as may be to such county lieutenant or commanding officer, under the penalty of five thousand pounds of tobacco for every failure.

And whereas there are many difficulties in bringing delinquent officers of the militia to punishment; *It is*

farther enacted, That any militia officer either on duty or not, for crimes relating to the duties of his office may be arrested in the same manner as is allowed by the law-martial, and when arrested shall be tried within the number of days prescribed by the continental articles of war, before a court-martial to be appointed by the commanding officer at the post or in the county, and if the rank of the delinquent officer shall make it impossible to get a court-martial for his trial under the said articles, the governor, on information thereof, shall order a court-martial to be appointed out of the militia at large within any reasonable time, for the trial of the offender. The governor may arrest and bring to trial in manner herein prescribed any officer of the militia whatsoever. The members of the said court so constituted, shall take the oath of secrecy and also an oath to be conformable in their sentence to the continental articles of war as therein written. Every sentence of the said court where the trial shall be before the court-martial of the county and the officer tried shall be a field officer, shall be transmitted to the governor for the time being, who may either approve or disapprove the same, according to the custom of the law-martial, but where the officer tried shall be under the rank of a field officer, in that case the lieutenant or commanding officer of the county where the trial shall be, shall have the power to approve or disapprove the sentence of the said court.

Militia officers, how arrested, and tried.

And be it farther enacted, That the militia of this commonwealth, when drawn out into actual service, except upon sudden alarms, for the defence of their respective counties, shall be entitled to and receive the same pay and rations as the officers and soldiers in continental service. The captain or other officer commanding a company or detachment, shall, when discharged, make out a pay-roll to commence from the day they join the army when to act within the state, and from the commencement of their march when they are to act out of the state, which shall be examined and certified by the commanding officer of the regiment or detachment to whom they belonged; which pay-roll shall be by the officer laid before the auditors of public accounts, who are hereby empowered and required to issue printed certificates agreeable thereto, and shall be by the captain or officer paid to the men

Pay of militia when in actual service.

Their certificates receivable in taxes.

Death to
counterfeit
them.

Tour of du-
ty, what.

Further en-
courage-
ment to ap-
prehend de-
serters.

Courts to
nominate
militia offi-
cers, with-
out regard
to seniority.

entitled to receive the same, which said certificates shall be receivable in taxes; and in case any person or persons shall counterfeit, alter or erase, or shall aid or assist in counterfeiting, altering or erasing, the certificates so issued, or shall attempt to pass the same knowing them to be counterfeited, altered or erased, he or she so offending shall be deemed a felon and suffer death without the benefit of clergy. No person shall be considered to have performed a tour of duty unless he shall have joined the army or detachment where ordered. A tour shall not exceed two months, unless the relief ordered shall not arrive in time from any unavoidable accident. The militia marching to and from camp shall be furnished with rations at the public expence.

And be it farther enacted, That as an inducement, additional to what the law hath already given, to persons for apprehending deserters, that any militia-man who shall apprehend and deliver an able-bodied deserter to any officer of the continental army or of the troops of this state, not being under the rank of a field officer in either service, and taking the receipt of such officer for the said deserter, or if the deserter be a militia-man shall deliver him to the commanding officer of the battalion or regiment from whence he deserted and taking the receipt of such officer, in either case it shall be considered as having thereby performed a tour of militia duty.

And whereas an opinion hath prevailed that the courts are obliged by law to promote officers in the militia according to seniority, whereby great mischief hath accrued to the country by improper appointments; *Be it farther enacted,* That the county courts in all their recommendations of militia officers, are and shall be at full liberty to nominate their militia officers hereafter to be appointed out of the people in their respective counties at large, without paying any regard to seniority. And for the due promulgation of this act and the better information of the militia, *Be it farther enacted,* That such a number of printed copies of this act and of the continental articles of war as the governor may deem necessary, shall be with all possible expedition transmitted to each county in this commonwealth for the use of the militia officers therein, and shall by such officers be read to their respective militias

at every general and petty muster. Each county lieutenant failing herein shall for every offence forfeit and pay the sum of five thousand pounds of tobacco; each field officer three thousand; and each captain two thousand pounds of tobacco.

And be it farther enacted, That all the penalties inflicted by the said recited acts, or either of them, shall cease, and in lieu thereof there shall be inflicted an additional penalty in the proportion of ten for one upon every officer, non-commissioned officer and private, for neglect or failure of duty therein prescribed; which penalties, as well as those inflicted by this act, shall be recovered and applied in manner therein directed. Fines increased.

And whereas it has happened that some counties have been thrown into confusion by means of the necessary papers for laying off the militia into divisions being lost or destroyed by accident or neglect; for remedy whereof, *Be it enacted,* That the field officers of any county where such case may be, shall, upon the receipt of this act, immediately proceed to lay off their said militia into divisions, and cause the same to be again drafted agreeable to the rules and directions laid down in the act entitled "An act for providing against invasions and insurrections," in order that a due and regular rotation may be kept up. New draft of militia, in what cases.

CHAP. IX.

An act preventing a discontinuance of the general court, and suspending the proceedings of certain courts in particular cases. Chan. Rev. p. 140.]

I. WHEREAS the additional session of the general court which ought by law to have been holden on the second Tuesday in the month of June, in the present year of our Lord one thousand seven hundred and eighty one, was omitted to be so holden from an inva- No discontinuance of general court, or its proceedings in consequence of a failure to hold a term

commercial agent, clerk to the solicitor general, to the commissioner of war, the agent appointed to state and adjust the accounts of this commonwealth against the United States, the keeper of the public gaol, the public armourer, the director of the hospital, the public printer, the door-keepers to the council and to the auditors, the delegates to congress, the speaker of the senate, and of the house of delegates, the members of the general assembly, and the officers of every denomination attending thereon, the secretary to the late governor, and the clerks of the superior courts and other officers attending thereon, and which may be due to the time of issuing such warrants, shall be receivable in discharge of taxes imposed by the said last recited act: And the several sheriffs or collectors shall be allowed a discount with the treasurer, in their settlements for the said taxes, for all warrants so by them received.

VII. *And be it farther enacted*, That all matters or things contained in any act or acts heretofore made, and coming within the purview of this act, shall be, and the same are hereby repealed.

See also original
pp. 15, 16, 17

{Cnap. XLIII
in original.}

CHAP. III.

An act for recruiting this state's quota of troops to serve in the army of the United States.

3000 troops
for continen-
tal army to
be raised.

I. FOR the more speedy recruiting this state's quota of troops in the continental service, *Be it enacted*, That three thousand men, of able bodies and sound minds, at least five feet four inches high, not being deserters, and between the ages of eighteen and fifty years, shall be forthwith raised in the several counties of this state, in the proportion hereafter mentioned, that is to say: One able-bodied man, such as above described, for every fifteen militia-men: And for effecting that purpose in the most equitable manner,

434. Va.—*General Assembly, Richmond; Va. Laws, Vol. 11, W. Hening, 1823; Act, May 6, 1782, pp. 14-20.*

II. *Be it enacted*, That within ten days after the receipt of this act, which the governor is directed to transmit as soon as possible, the lieutenant or commanding officer of the militia of each county shall summon the field officers of his county to meet at the courthouse, or some other convenient place in the county, within ten days thereafter; and the said county lieutenant or commanding officer, with the field officers, or a majority of them, shall proceed to divide each county into as many classes or districts as there are men required from each county respectively, making such classes as equal as may be, having regard as well to an equal proportion of taxable property in the county, including the property of exempts, as the number of able-bodied men. And to enable them to proceed with precision, the clerk of the county, clerk of the court-martial, and captains of the respective companies shall attend the said officers with returns of the taxable property and tithables made by the commissioners and magistrates acting under the act entitled, "An act for ascertaining certain taxes and duties, and for establishing a permanent revenue," and a minute of the last division of the county in classes, and the roll of each company of militia.

How to be raised.

Counties divided into classes.

III. *And be it enacted*, That each class or district aforesaid, shall, within twenty days after such division is made, enlist or cause to be enlisted, one man such as above described, to serve as a soldier in the continental army for three years or during the war, and deliver him to the lieutenant or commanding officer of the county, or pay a sum equal to one eighth part of the taxes payable by the several persons of which such class shall consist, under the act above-mentioned, to such person as they or a majority of them shall appoint to receive the same, which sum, or so much thereof as shall be paid, shall by such person be delivered to the lieutenant or commanding officer of the county as aforesaid, on or before the expiration of the time before-mentioned, for the enlistment of a soldier or payment of the money in lieu of him. And in case of failure of the payment of such sum or delivering such soldier as aforesaid, it shall and may be lawful for the lieutenant or commanding officer of the county to recover the said sum, or so much as such collector may have received, by motion in the court of his coun-

If not enlisted for 3 years or the war, to be drafted for three years.

ty, with costs and five per centum by way of damages, provided such collector has ten days previous notice of such motion; and the clerk of the county shall furnish the person first named in each class with the names of all free persons in such class, and the sum each person shall be chargeable with. And the person so first named shall appoint a meeting of the class within five days after the same shall be divided, at which meeting such of the class as shall attend, or a majority of them, shall and may choose a collector, who shall be a freeholder, or possessed of visible property to the amount of one hundred pounds, to receive the sums payable from the individuals of such class, or to enlist such soldier; and in case of failure, the person first named as aforesaid, shall be collector, and each person attending shall be informed by the collector or person first named in the class, of the sum which they are respectively to pay; and in case the same shall not be paid or such soldier enlisted within the time herein before limited, such collector shall make a return to the county lieutenant or commanding officer of the names of those who have neglected to pay, and the sums due from each person, distinguishing in such return, those who are able-bodied militia-men. And such county lieutenant or commanding officer shall order the captain or commanding officer of the company to which such delinquents or a majority of them belong, to cause one of the said able-bodied militia-men to be drafted, by fair and equal ballot, to serve in the continental army as a soldier for three years, who shall be entitled to the same pay as other soldiers raised by this act, and to twelve pounds bounty, and also to all other emoluments given to the continental soldiers by law. And in case only one able-bodied man in any division or class shall fail to pay his proportion of the sum required by this act, he shall be considered as a continental soldier for three years, in the same manner as if he had been drafted by ballot. And such county lieutenant or commanding officer shall grant his warrant to the collector of each district, authorizing and empowering him to levy the sums due from the persons so returned as delinquents respectively, by distress and sale of their goods and chattels, in the same manner as is by law directed in the case of county or parish levies, which warrant the

said collector is required to obey, and on failure to execute the same, or to pay the money when received to such county lieutenant or commanding officer, he shall be liable to the same proceedings and penalties as is before directed with respect to money received by him.

IV. *And be it enacted*, That every person enlisted by any class or district under this act, shall, within the time aforesaid, be delivered to the lieutenant or commanding officer of the county, who shall take such order for his security as he shall think proper. And on the said recruit taking the oath of a soldier and signing his enlistment, he shall be entitled to pay and subsistence as a continental soldier; and such lieutenant or commanding officer shall deliver him to such continental officer as shall be appointed for the purpose of receiving recruits in manner hereafter mentioned, but may in the mean time furlough such recruit, not exceeding ten days at one time.

Recruits,
how dispo-
sed.

V. *And be it farther enacted*, That the governor, with the advice of the council, shall appoint so many officers of the line, not being in actual duty, as he shall think necessary, to receive the soldiers enlisted under this act, and also to receive from the lieutenants or commanding officers of the several counties, all such sums of money as shall be received by them: They shall pass receipts to such county lieutenants or commanding officers for the men to be delivered and the money to be paid to them, and shall sign duplicates of such receipts, one of which the county lieutenants or commanding officer shall transmit to the governor and council, and shall also transmit to the governor and council within twenty days after the time prescribed for receiving the money or recruits before-mentioned, an account of all men and money received by them, and of the proceedings taken against the delinquent classes, and of the officers to whom such men shall be delivered or money paid, and such officer shall proceed with the utmost diligence in the business of recruiting. Every able-bodied man, as before described, inlisting for three years or during the war, shall be entitled to a bounty of twelve pounds, to be paid as soon as he shall be sworn, and to the same pay and emoluments as other continental soldiers of this state's quota are entitled to; and such recruiting officer shall receive forty shillings for every such recruit by him inlisted,

Officers of
the line to
receive re-
cruits.

Bounty, pay,
and emolu-
ments.

for his trouble and expences, and such recruiting officers shall, once in every month, make due returns to the governor and council of all recruits which shall be delivered to or recruited by such officers, and of all monies received by them respectively, and shall obey such orders as they shall from time to time receive from the governor and council respecting such recruits and money; and in case such county lieutenants or commanding officers, or any of them, shall fail to pay all sums by them received for the purpose aforesaid, on demand, to the officers authorized to receive the same, or shall fail to pursue the measures by this act directed for the recovery thereof, the solicitor general shall be authorized and empowered to recover all such monies received, and such sums as have been neglected to be recovered in the manner before directed, by motion in the general court, giving ten days previous notice of such motion; and where the county lieutenants or commanding officers shall fail to make return of the men and money by them received and to whom delivered, and of the measures pursued against delinquent classes, the judgment shall be for the whole sum required of the county where such failure shall be.

Quakers and
menonists,
how exemp-
ted from per-
sonal ser-
vice.

·VI. *And be it farther enacted*, That where any quaker or menonist shall be drafted in consequence of this act, he shall not be compelled to serve, but shall pay to the collector of his district the sum of fourteen pounds, which sum, if payment thereof be refused, shall be levied on his goods and chattels as is herein before directed in other cases of distress, and shall be paid to or recovered by the lieutenant or commanding officer of the militia, in the same manner as other monies received by him.

Expresses,
how procu-
red.

VII. *And be it enacted*, That the lieutenant or commanding officer in every county shall be authorized and empowered to hire expresses to give notice to the field officers of his county, the county clerk, clerk of the court-martial, and captains or commanding officers of the companies, to attend the aforesaid meeting, and also to transmit the return of his proceedings to the governor and council, which expresses shall be entitled to receive twelve shillings per day, to be allowed by the auditors on the certificate of the lieutenant or commanding officer of each county. And if any lieutenant or commanding officer of a county shall fail to

summon the field officers in manner before directed, he shall forfeit and pay the sum of one hundred pounds; and if he, or any of the field officers captains or commanding officers of companies, and clerks of the county courts and courts martial, shall fail to attend the meeting by him appointed as aforesaid, unless prevented by sickness or other unavoidable circumstance, he or they so failing shall forfeit and pay the sum of twenty pounds each; all which penalties may be recovered in any court of record, by action of debt, information or indictment, and shall be applied one half to the informer, and the other half to the use of the commonwealth. And in case any officer of the line shall misapply, embezzle, or neglect to account for the monies received by him as directed by this act, he shall be liable to a judgment for all monies so misapplied, embezzled or unaccounted for, by motion in any court of record, at the instance of the solicitor general, together with costs and five per centum damages, provided such officer have ten days previous notice of such motion.

Fines, for delinquencies

VIII. *And be it further enacted*, That where the sum payable by any class shall amount to more than the sum of fourteen pounds, the overplus shall be paid to the lieutenant or commanding officer of the county, and shall be applied towards the payment of bounties to recruits and expences attending the recruiting service; in such manner as the governor, with the advice of the council, shall direct.

Surplus of funds, in a class, how disposed.

IX. *And be it further enacted*, That the furnishing of a recruit by any class, shall exempt such class from the payment of the said sum of fourteen pounds, and no more; and that in case of failure in payment of the overplus, the same proceedings shall be had for the recovery of such overplus as is herein before directed for the recovery of the proportions of delinquents in other cases.

Furnishing a recruit, exempts the class.

X. And whereas many counties have failed in whole or in part to furnish the several quotas of regulars in their respective counties since the year one thousand seven hundred and seventy-seven, as required of them:

Counties failing to furnish the former quotas, to be reported to general assembly

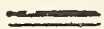
XI. *Be it therefore enacted*, That the lieutenants or commanding officers of the militia of each county shall, on or before the first day of November next, transmit to the governor, the most exact state that at this time

can be procured of the several quotas from time to time furnished by each county respectively, and where they have failed raising the quota required of them, shall transmit the reasons of such failure, to be by him laid before the next general assembly, that order may be taken to compel such counties as have been deficient to make up such deficiencies in men, or just compensation therefor in money, so as to place the whole state on an equality as near as may be.

XII. And whereas many county lieutenants and commanding officers have resigned their commissions since the year one thousand seven hundred and seventy-seven, and others have been appointed in their place:

Returns of
officers re-
signed to be
made.

XIII. *Be it enacted*, That every such person who may have resigned since the time above-mentioned, shall, on application from such commanding officer, be obliged to make return to the present lieutenant or other commanding officer of the county where he held such commission, who is hereby commanded to transmit the same with the return of his own transactions. And in case any lieutenant or commanding officer shall fail to do so, he shall forfeit and pay the sum of one hundred pounds, to be recovered and applied in the same manner as other penalties by this act to be inflicted



[Ch. XLIV
in original.]

CHAP. IV.

An act to empower the justices of York to hold their courts at any other place in the said county than their present court-house.

Justices of
York autho-
rised to hold
courts, at a-
ny place in
the county,
while the
court house
in York town
is occupied
by the troops
of our allies.

I. *BE it enacted by the General Assembly*, That the justices of the peace for the county of York shall, and they are hereby empowered to hold their sessions at such place in the county as they may think proper, so long as the court-house in the town of York shall be occupied by the troops of our allies.

CHAP. XLIV.

[Chapter
CXXXIX in
original.]

An act to amend the act, intituled, An act for establishing and regulating the militia.

See in general

I. WHEREAS experience hath proved the great utility of cavalry in this state, as well to controul the operations of the enemy, as to give extent and efficacy to those of our own troops:

II. *Be it enacted by the General Assembly*, That every sixteenth man of the militia shall be formed into a body of cavalry, and armed in manner hereafter directed, that is to say, the lieutenant or commanding officer of the militia in every county, shall call a general muster in the month of March next, and shall propose to the militia of his county, that such as incline to act as horsemen, shall, within ten days after such muster, give in their names to such lieutenant or commanding officer. Each horseman so entering voluntarily shall provide a sufficient horse, not less than fourteen hands high, and a good saddle and bridle, and shall be furnished by the state with a proper horseman's sword and cap, one pistol, and a pair of holsters.

Cavalry, in the militia, how organized and armed.

III. *And be it enacted*, That the field officers of each battalion, with the approbation of the lieutenant or commanding officer of the county, shall nominate proper persons to command the cavalry to be embodied by virtue of this act, who shall be commissioned by the governor. The officers so appointed shall call the said horsemen once in every month, to some convenient place in each county, for the purpose of training and disciplining. The said cavalry shall be exempt from attendance in all other private musters, and shall be entitled to the same pay, rations, and forage, when in actual service, as cavalry in the continental army. And in case their horses, saddles or bridles, shall be taken by the enemy, lost or destroyed, without the neglect or default of such horsemen, when in actual service, the same shall be paid for by the public; which horses, saddles and bridles, the county lieutenants or commanding officers, shall have valued by three free-

Officers of cavalry, how appointed.

Cavalry, how trained.

Exempted from duty in main body of militia. Pay.

Horses, &c. lost, paid for by public.

holders, before they enter on actual duty, and return the valuation to the executive.

Militia, in counties most exposed, and in Williamsburg & Norfolk, how armed.

IV. *And be it further enacted*, That the governor shall cause to be delivered to the lieutenants or commanding officers of the militia of such counties as are most exposed to the incursions of the enemy, and to the officers of militia of the city of Williamsburg, and borough of Norfolk, such a number of arms as he may think necessary, not less than sufficient to arm three tenths of their militia, for which such lieutenants or commanding officers shall give their receipts, and shall deliver the same to such of the militia as are first to be called on duty, taking their receipts for the same; who, on having served their tour of duty, shall return their arms, in good order, to the lieutenant or commanding officer, or to the order of such lieutenant or commanding officer, to be delivered in like manner to such of the militia as stand next in rotation.

Arms, how disposed of.

Fines, for delinquencies.

V. *And be it further enacted*, That the penalties and forfeitures for every neglect of duty in any officer of the militia, or militia-man, whether of the cavalry or infantry, shall be the same, and recovered in the same manner, and appropriated as is directed and prescribed by an act passed in the year one thousand seven hundred and seventy-seven, intituled, "An act for regulating and disciplining the militia." *Provided always*, That all officers and militia-men shall be subject to the continental articles of war, in the same manner as they were under an act passed in one thousand seven hundred and eighty-one, intituled, "An act to amend an act for regulating and disciplining the militia, and for other purposes," any thing in this act to the contrary notwithstanding.

Fines, for failing to return arms.

VI. *And be it further enacted*, That every militia-man to whom arms shall be delivered as aforesaid, who shall neglect or refuse to return the same in manner by this act directed, shall forfeit and pay the sum of twelve pounds; and on failing so to do, or giving security to pay the same in two months, every such militia-man shall be obliged to serve in the continental army the term of three years or during the war. The forfeitures so recovered and received, shall be paid in the month of November annually, into the public treasury by the officer receiving the same,

VII. *And be it further enacted,* That where any quaker or menonist shall be subjected to a tour of duty in consequence of the militia or invasion law, such quaker or menonist shall not be compelled to perform such duty; but the county lieutenant or commanding officer of the militia, shall appoint some proper person to procure a substitute upon the best terms possible, who shall make return to the lieutenant or commanding officer aforesaid, of the name of such substitute, and the consideration agreed to pay him; whereupon the lieutenant or commanding officer, shall issue his warrant to the sheriff or collector of the tax of his county; which shall in the first instance be against the estate of each quaker or menonist so draughted for the amount of the substitute money agreed for, in behalf of each of them, to be levied on their lands, goods, and chattels respectively, in the same manner as if by law directed for collecting a permanent revenue; and is any of the said quakers or menonists so draughted, shall not have sufficient property on which a levy can be made, then the whole or part of such substitute money, shall be levied on the property of all the quakers and menonists in the said county, that are subject to the militia service, each to pay in proportion to his taxable property.

Quaker or menonist drafted, not compelled to perform duty; but a substitute provided, at his expence; if unable to pay, the price to be levied on the whole of the society.

VIII. *And whereas,* many delinquents of the militia have been heretofore condemned by the courts-martial under the laws in force to serve in the continental army; but as the periods of such service do not extend to the term of three years, and under the late regulations of the continental army no persons are admitted therein who are engaged for a less time;

Delinquents of militia condemned for not serving in continental army, to serve in next requisition of militia.

IX. *Be it therefore enacted,* That the different county lieutenants direct their captains to make return of all such delinquents so condemned, who shall in the first requisition for militia to the county, be ordered forth to serve the term for which they have been respectively condemned, and so serving faithfully, they shall be exonerated from the punishments to which they are now subjected as deserters, and failing herein, are declared regular soldiers for the term of twelve months, to serve on board the armed vessels for the defence of Chesapeake bay.

On serving, exonerated from penalties of desertion; otherwise declared regular soldiers, to serve on board armed vessels.

[Ch. LXVI
in original.]

CHAP. XXVII.

*An act to continue an act, intituled
An act to revive and amend in part
an act, intituled an act for giving
further time to enter certificates for
settlement rights, and for locating
warrants upon pre-emption rights,
and for other purposes.*

Further time
allowed to
enter certi-
ficates for set-
tlement
rights, and
locate war-
rants, on pre-
emption
rights.

I. IT being represented to this present general assembly, that many people within this commonwealth have not received the benefit of an act of the last session of assembly, intituled "An act to revive and amend in part an act, intituled an act for giving further time to enter certificates for settlement rights, and for locating warrants upon pre-emption rights, and for other purposes;"

II. *Be it enacted*, That the said act be, and is hereby continued, until the first day of June, one thousand seven hundred and eighty five, and no longer.

See also original
p. 477

[Ch. LXVII
in original.]

CHAP. XXVIII.

*An act for amending the several laws
for regulating and disciplining the
militia, and guarding against inva-
sions and insurrections.*

Preamble.

I. WHEREAS the defence and safety of the commonwealth depend upon having its citizens properly armed and taught the knowledge of military duty, and the different laws heretofore enacted being found inadequate to such purposes, and in order that the same may be formed into one plain and regular system;

Who shall be
enrolled in
the militia.

II. *Be it enacted*, That all free male persons between the ages of eighteen and fifty years, except the members

436. Va.—General Assembly, Richmond; Va. Laws, W. Hening, Vol. 11, 1823; Act, Oct. 18, 1784, pp. 476-494.

of the council of state, members of the American congress, judges of the superior courts, speakers of the two houses of assembly, treasurer, attorney general, auditors and their clerks, solicitor general and his clerks, clerks of the council of state and treasury, register of the land-office, his deputy and clerks, custom-house officers, all inspectors of tobacco, all professors, tutors, and students at the university of William and Mary, and other public seminaries of learning, all ministers of the gospel, licensed to preach according to the rules of their sect, who shall have previously taken, before the court of their county, an oath of fidelity to the commonwealth, post-masters, keepers of the public gaol and public hospital, millers, persons concerned at iron or lead works, or persons solely employed in repairing or manufacturing fire arms, all of whom are exempted from the obligations of this act, shall be enrolled or formed into companies of five serjeants, three corporals, a drummer, and fifer, and not less than fifty-five, nor more than sixty-five, rank and file; and these companies shall again be formed into regiments of not more than one thousand, nor less than five hundred men, if there be so many in the county. Each company shall be commanded by a captain, a lieutenant, and an ensign; each regiment by a lieutenant colonel commandant, and two majors; and the whole by a county lieutenant, whose rank shall be that of a colonel; and they shall take precedence and command of each other according to rank and seniority. These officers shall be resident within their county, and before they enter on the execution of their respective offices, shall take the following oath: "I —— do swear, that I will be faithful and true to the commonwealth of Virginia, of which I profess myself to be a citizen, and that I will faithfully and justly execute the office of a ——, in the militia of the county of ——, according to the best of my skill and judgment: So help me God."— There shall be a private muster of every company once in every three months, at such convenient time and place as the captain, or next commanding officer, shall appoint; a muster of each regiment, on some day in the month of March or April, in every year, to be appointed by the commanding officer thereof, at a convenient place, near the centre of the regiment; and a general muster of the whole, on some day in the month of

Who exempted.

Companies.

Officers.

Oath of officers.

Musters.

Notice of
musters.

October or November, in every year, to be appointed by the county lieutenant or commanding officer, at a convenient place near the centre of the county; for the times and places of the said musters, the county lieutenant or commanding officer for the time being, shall give notice to the commanding officers of regiments for the general muster; the commanding officers of regiments shall give notice to the commanding officers of their respective companies, of such general muster, and of his regimental muster; and the commanding officers of companies shall give notice of the general, regimental, and private musters, to every person of their respective companies; and to that end the commanding officers of companies shall have power to order so many of their serjeants, as they shall think fit, to give such notice, which may be done by personal summons by the said commanding officer, or serjeant so ordered, or by either of them, leaving notice in writing at the usual place of abode of the person to be summoned; the notices to be given by the commanding officer of the county and commanding officers of regiments, shall be in writing, delivered in person or left at the usual place of abode of each person to be notified, either by such commanding officers themselves, or by such officer or officers of their respective commands, as they may think fit to order; the said notices shall be given by the commanding officer of the county to the commanding officers of regiments at least forty days; by the commanding officers of regiments at least thirty days; and by the commanding officers of companies, at least ten days, before such general regimental or private musters (as the case may be) shall be appointed to be had.—Any officer ordered as aforesaid to give such notices, failing therein, shall, for every offence, forfeit and pay five pounds; and every serjeant so failing, shall forfeit and pay one pound for every such failure; to be recovered as other fines hereafter to be established. Every officer and soldier shall appear at his respective muster-field on the day appointed, by eleven o'clock in the forenoon, armed, equipped, and accoutred, as follows: The county lieutenants, lieutenant colonels commanding, and majors, with a sword; the captains, lieutenants, and ensigns, with a sword and esponton; every non-commissioned officer and private, with a good clean musket, carrying an ounce ball, and three feet eight

Officers and
soldiers how
armed and
accoutred.

inches long in the barrel, with a good bayonet and iron ramrod well fitted thereto, a cartridge box properly made, to contain and secure twenty cartridges fitted to his musket, a good knapsack and canteen; and moreover, each non-commissioned officer and private shall have at every muster, one pound of good powder and four pounds of lead; including twenty blind cartridges; and each sergeant shall have a pair of moulds fit to cast balls for their respective companies, to be purchased by the commanding officer, out of the monies arising on delinquencies; provided, that the militia of the counties westward of the Blue Ridge, and the counties below adjoining thereto, shall not be obliged to be armed with muskets, but may have good rifles with proper accoutrements in lieu thereof. And every of the said officers, non-commissioned officers, and privates, shall constantly keep the aforesaid arms, accoutrements and ammunition ready to be produced whenever called for by his commanding officer. If any private shall make it appear to the satisfaction of the court hereafter to be appointed for trying delinquencies under this act, that he is so poor that he cannot purchase the arms herein required, such court shall cause them to be purchased out of the money arising from delinquents. The arms so purchased, shall, by the commanding officer of the county, be delivered to the captain of the company to which such poor private may belong, who shall deliver such arms to the private, but they shall continue the property of the county; and if any private shall sell or conceal the same, the seller, concealer, and purchaser, shall each forfeit and pay four pounds, to be recovered by the commanding officer, in any court of record, on ten days notice. And on the death, disability, or exemption of such poor private, or his removal out of the county, such arms, shall be delivered to the commanding officer of the company, who shall make report thereof to the next court to be held, as aforesaid, and deliver the same to such other poor private as they shall direct. And if any poor private shall remove out of the county, and carry such arms with him, he shall incur the same penalty as if he had sold them. And if any person concerned in selling, purchasing, concealing or removing such arms shall be prosecuted for the penalty, and upon conviction shall fail to make instant payment, or give security to pay the same

Ammunition.

Rifles.

Poor soldiers,
how armed.Penalty for
selling, or
concealing.

Arms how
stamped.

Delinquen-
cies how no-
ted.

Returns.

in such time as the court shall deem reasonable, he shall suffer such corporal punishment as the court before whom the recovery shall be, may think fit, not exceeding thirty-nine lashes. And the lieutenant or commanding officer for the time being of any county, may recover any arms so sold, concealed, or removed, by action or petition in detinue or trover, with costs. And to the end that such arms may be known, the commanding officer shall cause to be stamped or engraved on them, the name of the county, together with the number of the regiment to which they may belong. At every muster, each captain or commanding officer, shall call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or general muster to the lieutenant colonel commandant, or commanding officer of his regiment, including those which may occur on that day. Every lieutenant colonel commandant or commanding officer of a regiment, shall in like manner call his roll, examine and note down all delinquencies in his regiment, and make return thereof, together with those reported from commanding officers of companies, to the county lieutenant or commanding officer, within ten days after every general and regimental muster, who shall lay the whole, together with the delinquencies occurring to him on the like examination, so far as they relate to persons below field officers, before the court hereafter appointed to take cognizance of, and determine on them. And so far as they relate to field officers, the like returns shall be made to the executive who shall enquire into and determine on them. *Provided*, That the commanding officer of a county or of a regiment, shall not be obliged to extend their roll calls, or individual examinations beyond the officers, unless they observe some apparent necessity therefor. And to each of the said returns shall be annexed the following oath, to be administered by any justice of the peace, viz. "I ———, do swear that the returns hereunto annexed, contain all delinquencies which have occurred in the militia of my county, the ——— regiment, or ——— company of ——— regiment (as the case may be) since the last return, having examined the same as the law directs; (and to the county and regimental return shall be added) and that the reports which accompany them are all which have been made

by the commanding officers of regiments or companies, as the case may be. So help me God." Every captain or commanding officer of a company shall, within ten days after every regimental and general muster, make up and report to the commanding officer of his regiment, a return of his company, including all arms, ammunition, and accoutrements, by this act directed, distinguishing effective and good from non-effective and bad, noting therein such as have died, removed, been exempted or added, and all persons within the bounds of his company not on his roll, who ought to be enrolled. The commanding officer of each regiment shall, within fifteen days after every general muster, make the like return to the commanding officer of the county, who shall, within forty days thereafter, make the like return of the whole of his militia, to the governor. The militia of this commonwealth as now organized, shall be disbanded, and all officers of the same are exonerated from all pains and penalties for non-performance of their duties heretofore prescribed, except the duties prescribed by the act for the better collection of the one-eighth per cent. tax, and the penalties for failure therein. And for providing for the appointments of the officers and others by this act described;

Company returns.

Regimental returns.

III. *Be it further enacted*, That the governor, with the advice of council, shall, on or before the first day April next, appoint in each county within this commonwealth, the most able and fit persons who shall be willing to accept the same, to be county lieutenant, and the necessary regimental field officers, according to the number of militia on the present returns, and immediately issue commissions accordingly. Each county lieutenant and other field officer, shall, at the first or second court to be held in their county after receiving such commissions, take the oath by this act directed. Every county lieutenant shall within one month after having taken such oath, summon all the field officers of his county, and an equal number of the senior magistrates, not being militia officers, to meet at the court-house, to form a board, at which he shall preside, and with them, or a majority of the said field officers and magistrates, respectively, each having taken the following oath, to be administered by one of the magistrates to the other members, and then by another magistrate to him, viz.

Field officers to be appointed by executive.

Captains and subalterns to be recommended by a board of officers and senior magistrates, to the executive & commissioned.

"I———, do swear, that I will truly and faithfully

Executive
may reject
recommendations.

Rank, how
determined.

Vacancies
how supplied

execute the trust now reposed in me, according to law, to the best of my skill and judgment: So help me God." shall, if there be more than one regiment, divide the county into districts, and assign a regiment to each, having regard to the number directed to be enrolled in a regiment by this act, and the convenience of the people: They shall then number the said regiments by lot, and the numbers so fixed, shall thereafter distinguish them. They shall then in like manner divide the regimental districts into districts for companies, having regard to the numbers directed to be enrolled in a company, and shall also number the said companies by lot, and the numbers so fixed, shall thereafter, together with that of the regiment to which they respectively belong, distinguish the companies: They shall then recommend by ballot, to each of the said companies, a captain and the subaltern officers, directed by this act; a list of which recommendations, the county lieutenant shall, within thirty days after they shall be made, transmit to the governor, who, with the advice of council, shall issue commissions thereupon, or may reject such as they may disapprove: The said commissions shall be sent by the governor to the respective county lieutenants, who shall forthwith deliver them to the several persons for whom they may be issued; and every such officer shall, at the first or second court thereafter held for the county, take the oath directed to be taken by this act. All commissions of the county lieutenant and other field officers, to be appointed in the first instance by virtue of this act, shall bear date on the same day; precedence in the different grades shall be determined by lot, and the commissions shall be numbered accordingly, which numbers shall be the tests of precedence whenever two or more officers of the same grade shall meet on duty. All commissions which shall be issued to captains and subalterns, to be appointed in the first instance by virtue of this act, shall bear date on the same day the nominations for the respective counties shall be completed; precedence in the different grades in the county shall be determined by lot, as directed for the field officers; and the commissions numbered accordingly; and whenever such officers of different counties shall meet on duty, the dates of their commissions shall determine; and whenever it shall happen that the dates are the same, recourse shall be had to the numbers. All vacancies which shall happen in the militia, as well

by the disapprobation of the executive as otherwise, shall be filled up from time to time, in the same manner as the original appointments are directed to be made, notice of which vacancies shall be taken from the returns by this act directed to be made; and the said board is hereby authorized and empowered to exempt from militia duty any person who shall make sufficient proof of his disability or infirmity. Each captain or commanding officer of a company shall, within ten days after receiving his commission, and qualifying as aforesaid, enroll all persons within his district, directed by this act to be enrolled, and shall appoint to his company five sergeants, three corporals, a drummer and fifer, to be approved by the commanding officer of his regiment; and all vacancies which may thereafter happen, shall be filled up by appointments in like manner. In all cases of death, absence, or resignation of any county lieutenant, lieutenant colonel commandant, or captain, the next officer in rank in his respective command, shall be considered as the commanding officer during the vacancy, and liable to perform the duties required by this act, and for neglect therein, shall incur the penalties annexed thereto. And whereas, it will be of great utility and advantage in establishing a well disciplined militia, to annex to each regiment a light company, to be formed of young men, from eighteen to twenty-five years old, whose activity and domestic circumstances will admit of a frequency of training, and strictness of discipline, not practicable for the militia in general, and returning to the main body on their arrival at the latter period, will be constantly giving thereto a military pride and experience, from which the best of consequences will result;

Light companies.

IV. *Be it therefore enacted*, That the governor, with the advice of council, shall, where the militia of the county will admit at the time of issuing the company commissions for each county, appoint and commission for each regiment therein, a captain, a lieutenant, and an ensign, of the most proper persons therfor, for a light company, whose commissions shall bear date with the others of their county, and be numbered by lot with them; and the said companies shall be distinguished by the following words "Light company of _____ regiment of _____ militia," filling up the blanks with the number of the regiment, and name of the county. Every person belonging to the said light companies,

Uniform,

shall wear while on duty, such caps and uniforms as the executive shall direct, to be purchased by the commanding officer of the county, out of the monies arising on delinquents. The captain thereof shall after qualifying as is directed for other officers, proceed to enroll in his company a sufficient number of young men as before described, and shall have a private muster twice in every three months. And as the men of such light company shall from time to time arrive at the age of twenty-five years, the captain shall make report thereof to the county lieutenant, who shall order them to be enrolled in the company whose districts they may respectively live in, and deficiencies shall be supplied by new enrollments. And the said companies shall in all respects be subject to the same regulations and orders as the rest of the militia.

Steuben's
discipline a-
dopted.

V. *And be it further enacted*, That the plan of major general baron Steuben, established in congress, by their act, bearing date the twenty-ninth day of March, one thousand seven hundred and seventy-nine, for forming and disciplining the troops of the United States, shall be the guide for the militia of this commonwealth; disposing of a lieutenant colonel commandant, and two majors, as is directed in the said plan for a colonel, lieutenant colonel, and major, and making such other deviations as the numbers contained in different regiments, and other unavoidable circumstances shall render absolutely necessary. It shall be the duty of every commander of a county regiment and company, at every of their respective musters, to cause the militia to be exercised and trained, agreeable to the said plan, under pain of being arrested and tried for breach of their duty; and for this purpose the said officers are hereby authorized to order the most expert and fit officer in their respective companies to perform that duty. And to the end that a general knowledge thereof may be diffused, the executive is hereby authorized and required, to have a sufficient number of copies of the said plan printed and bound in boards, to afford to every commissioned officer of the militia, one, and to deliver them to the commanders of counties, to be by them distributed; and upon the death, resignation, or removal of any officer, the plan delivered him shall revert to the public; and the commanding officer for the time being, shall deliver the same to a new appointed officer who may

not have received one; and for defraying the expence of so doing, shall draw on the contingent fund. Should any officer fail to make himself acquainted with the plan of discipline during the space of eighteen months, after he shall be furnished therewith, he shall forfeit his commission, by sentence of a court-martial.

VI. *And be it further enacted,* That twelve months after the commencement of this act shall be allowed for providing the arms and accoutrements herein directed; but in the mean time, the militia shall appear at musters with, and keep by them the best arms and accoutrements they can get. Any officer who shall be guilty of disobedience or other misbehaviour when on duty, or shall at any time be guilty of any conduct unbecoming the character of any officer, shall be put under an arrest by his commanding officer, and tried as hereafter shall be directed. If any non-commissioned officer or soldier, shall behave himself disobediently or mutinously when on duty, on, or before any court or board, directed by this act to be held, the commanding officer, court or board, may either confine him for the day, or cause him to be bound neck and heels, for any time not exceeding five minutes. If any bystander shall interrupt, molest, or insult any officer or soldier while on duty at any muster, or shall be guilty of the like conduct before any court or board aforesaid, the commanding officer, or such court or board, may cause him to be confined for the day. The lieutenant or commanding officer of a county shall cause to be purchased out of the money arising from the fines, for every regiment in his county, the usual sets of colours, with such devices thereon as the executive shall direct, also a drum and fife for each company; and on the colours and drum shall be marked the name of the county, with the number of the regiment and company to which they belong. And whereas, it is necessary that adequate powers be vested in the executive for calling forth the militia and resources of the state, in cases of invasion or insurrection, or upon any probable prospect of such invasion or insurrection;

VII. *Be it further enacted,* That the governor, with advice of the council, be authorized and empowered, on any such invasion or insurrection, or probable prospect thereof, to call forth such a number of militia, and from such counties as they may deem proper. And

Time allowed to provide arms.

Disobedience

Misbehaviour how punishable.

Colours, drums, and fifes, how procured.

On invasions and insurrection, how militia called out.

for the accommodation, equipment, and support of the forces, so at any time to be called forth, the governor, with advice aforesaid, may appoint such quarter-masters, commissaries, and other staff, as to them shall seem proper, and to fix their pay and allowances; and shall also take such measures for procuring, transporting, and issuing all stores, which may be necessary, as to them shall seem best.

Quarter-masters, commissaries, and other staff.

Orders, to whom sent. Orders for the militia to be called forth as aforesaid, shall be sent to the county lieutenant or commanding officer, with a notification of the place or places of rendezvous, who shall immediately take measures for detaching the same with the necessary number, and ranks of officers by detail and rotation of duty.

Officers to command. If such detachment shall amount to one-third of a regiment, he shall send one field officer with it; if two-thirds of a regiment, two field officers; and if more than two-thirds, three field officers. The county lieutenant or commanding officer shall cause to be procured, by impressment or otherwise, for each company, a waggon, team, and driver, six axes, and six camp kettles, or pots of convenient size, all which shall be delivered to the commanding officer of the company, who shall be accountable for returning the same, when his tour is over; and the articles aforesaid, shall be returned to the owners, who shall be allowed for the use of the same whatever may be adjudged by the court hereafter appointed for enquiring into delinquencies.

Camp equipage. And to the end, that if any article impressed shall be lost, the owner may be paid for the same, the county lieutenant or commanding officer, shall cause all property by him impressed by virtue of this act, to be valued by two or more disinterested freeholders on oath, before the same shall be sent away; and upon proof being made to the said court of any article being lost, the valuation thereof shall be allowed, without any allowance for the use; and the said allowance shall be certified to the auditors of public accounts: The said court shall make enquiry into the cause of such loss, and if it shall appear that the said loss was occasioned by the misconduct or inattention of any officer, the county lieutenant or commanding officer is hereby authorized to prosecute a suit against such officer, for recovery of damages, for the use of the commonwealth.

Impressments. If it shall appear to the executive upon calling forth the militia as aforesaid, that the necessary number and

ranks of officers will not attend the detachments for re-
 gimenting and officering them at the places of rendez-
 vous, the governor, with advice of the council, is here-
 by authorized to appoint such field officers as may be Field officers.
 necessary from the counties called upon, as they may
 think proper, to join the forces so raised; and the se-
 nior officer shall arrange and command the whole, and
 appoint the usual regimental staff. And if a general General offi-
cer and staff.
 officer or officers shall, in the opinion of the executive,
 be necessary either on account of the number of troops,
 or importance of the service, the governor, with advice
 of the council, shall appoint and commission one or
 more brigadiers general for the then existing occasion,
 who are hereby authorized to appoint each, an aid-de-
 camp, brigade major, and brigade quarter-master.—
 If a sudden invasion shall be made into any county of Sudden inva-
sion or insur-
rection.
 this commonwealth, or in case of an insurrection in any
 county, the county lieutenant is hereby authorized and
 required to order out the whole, or such part of his mi-
 litia as he may think necessary, and in such manner
 as he may think best, for repelling or suppressing such
 invasion or insurrection, and shall call on the lieuten-
 ants or commanding officers of the adjacent counties
 for such aid as he may think necessary, who shall
 forthwith in like manner furnish the same. And for
 assembling the militia required upon such occasions,
 or by orders of the executive, the same measures shall
 be taken to summon them as is directed in the cases of
 musters. Whenever any militia shall be called forth
 into actual service as aforesaid, they shall be governed
 by the articles of war which were last in force in the Articles of
war.
Courts mar-
tial.
 continental army during the last war; and courts mar-
 tial shall be held as are therein directed; but to the
 cashiering of any officer, or capital punishment of any
 person, the approbation of the executive shall be neces-
 sary. And whenever any militia shall be in actual ser-
 vice, they shall be allowed pay and rations as follows,
 to commence from the time of rendezvousing in their
 counties, and to end on being discharged, viz. A bri-
 gadier general, one hundred and twenty-five dol-
 lars per month, and twelve rations of provisions, and Pay and ra-
tions.
 five rations of forage, for himself and family per
 day; an aid-de-camp, thirty dollars per month; a
 colonel, forty-five dollars per month, and six rations
 of provisions and two rations of forage per day; a
 brigade major, thirty dollars per month, four rations

of provisions and two rations of forage per day; a brigade quarter-master, thirty dollars per month, and three rations of provisions and one ration of forage per day; a lieutenant colonel commandant, thirty-six dollars per month, and five rations of provisions and two rations of forage per day; a major, thirty dollars per month, and four rations of provisions and two rations of forage per day; a captain, twenty-four dollars per month, and three rations of provisions per day; a lieutenant, sixteen dollars per month, and two rations of provisions per day; an ensign, twelve dollars per month, and two rations of provisions per day; a surgeon, sixty dollars per month, and three rations of provisions, and two rations of forage per day; a quarter-master, twenty dollars per month, and two rations of provisions, and one ration of forage per day; a paymaster, forty dollars per month, and two rations of provisions, and one ration of forage per day; an adjutant, twenty-four dollars per month, and two rations of provisions and one ration of forage per day; a quarter-master's serjeant, eight dollars month, and one ration per day; a serjeant, seven dollars per month, and one ration per day; a corporal, six dollars per month and one ration per day; a private, five dollars and one half dollar per month, and one ration per day. And should any of the staff be of the line, the allowances herein given, shall include what they may receive in the line. A ration of provision shall consist of one pound of fresh beef or pork, or three quarters of a pound of salt pork, one pound of wheat bread or flour, or one pound and a quarter of corn meal, one gill of rum when to be had, and one quart of salt, one quart of vinegar, two pounds of soap, and one pound of candles to every hundred rations, but in case salt meat be issued, the salt to be withheld; and a ration of forage of ten quarts of corn or oats and fourteen pounds of hay or fodder. And moreover, every militia man upon his discharge from actual service, shall be entitled to, and receive one day's pay for each twenty miles such place of discharge shall be distant from his place of abode. And should the executive at any time find it expedient to retain the whole, or any part of the rations of provisions or forage herein allowed to officers, and to allow a composition in money, they are hereby empowered to do so.

Ration, of
what to con-
sist.

VIII. *And be it further enacted*, That the commanding officer of the militia in every county, shall some time before the first day of May in every year, appoint an officer, and so many men of the militia as to him shall appear necessary, not exceeding four, once in every month, or oftener, if thereto required by such officer, to patrol and visit all negro quarters, and other places suspected of entertaining unlawful assemblies of slaves, servants, or other disorderly persons as aforesaid unlawfully assembled, or any others strolling about from one plantation to another, without a pass from his or her master, mistress, or owner, and carry them before the next justice of the peace, who, if he shall see cause, is to order every such slave, servant, stroller, or other disorderly person as aforesaid, to receive any number of lashes not exceeding twenty, on his or her bare back. And in case one company of patrollers shall not be sufficient, to order more companies for the same service. And after every patrol, the officer of each party shall return to the captain of the company to which he belongs, a report in writing upon oath, (which oath such captain is hereby empowered to administer) of the names of those of his party who were upon duty, and of the proceedings in such patrol, and such captain shall once in every month deliver such patrol returns to the commanding officer of the militia, by whom they shall be certified and delivered to the next court-martial; and if they shall adjudge the patrollers have performed their duty according to law, the chief officers shall certify the same to the county court, who are thereupon empowered and required to levy twenty pounds of tobacco, or three shillings, for every twelve hours each of them shall so patrol. And every commanding officer failing to appoint patrollers according to the directions of this act, shall forfeit and pay ten pounds; and every person appointed to patrol, failing to do his duty, shall forfeit and pay twenty shillings for every such failure; which fines shall be laid, collected, accounted for, and appropriated as is herein directed for the laying, accounting for, and appropriating the several fines and penalties by this act directed. And whereas, it is necessary that certain tribunals be described and instituted for the trial of offences as they are to be viewed in a military light, as well as for enquiring into delinquencies, and assessing fines thereon;

Patroles, how
appointed.

Their duty
and compen-
sation.

Arrest of officers.

Courts-martial, for trial of.

IX. *Be it therefore enacted*, That the governor, with advice of council, shall have power to arrest the county lieutenant or commanding officer of a county, and all other officers, for any misconduct whatever, and upon trial and conviction, may censure or cashier them.— All officers under the county lieutenant or commanding officer of a county, may also be arrested by such commanding officer, and reported to the governor for trial, or at the option of such commanding officer, a general court-martial, to consist of thirteen officers, may, by his order, be held in the county for trial of such as shall be under the rank of a field officer. The president of the said court shall be a field officer, and six at least of the members shall be captains; and where there is not a sufficient number of officers in any county, to constitute a court, where the arrest is made, the commanding officer of such county may call upon as many officers from the adjacent counties, as will be sufficient to make up a court; and such court may, on conviction, censure or cashier any officer so tried, and their sentence shall be final, saving to such officer an appeal to the executive if he shall think proper; in which case, the commanding officer shall furnish him with a copy of the proceedings of the said court: Any non-commissioned officer or soldier offending, shall be tried by a like general court-martial, and may, on conviction, be censured or fined at the discretion of the court; and failing to make instant payment of such fine, or to give sufficient security therefor, within such time as the court may think proper, shall receive corporal punishment, not exceeding twenty lashes. For obtaining the necessary evidence for the trials aforesaid, the governor or commanding officer of the county, as the case may be, shall issue his summons, and any person so summoned, failing to attend, shall forfeit and pay, upon a summons from the governor, ten pounds, and upon a summons of the commander of a county, five pounds, to be reported by the commanding officer, amongst other delinquencies, to the court aforesaid.

Courts of enquiry, how constituted.

X. *And be it further enacted*, That the commander of a county, shall on some day in the months of May and November (his general muster being over) summon all his field officers, and an equal number of the senior magistrates, and with them, or a majority of such field officers and magistrates respectively, shall

form a court of enquiry, and assessment of fines; the said court shall take the following oath, to be administered by any one of the magistrates to the other members, and afterwards by any one of them to him, viz:—
 “I ———, do swear, that I will truly and faithfully enquire into all delinquencies which appear on the returns to be laid before me, and will assess the fines thereon as shall seem just, without favor, partiality, or affection. So help me God.” The county lieutenant shall then lay before the said court, all the returns of delinquencies, as directed by this act, whereupon they shall proceed to hear and determine on them. All fines to be assessed by virtue of this act, shall be collected by the sheriff of the county, upon a list thereof, certified by the commanding officer, and delivered to the sheriff, on or before the first day of January, in every year, who shall account for the same to the county lieutenant, or his successor, in the manner directed, and be allowed the same commission as for other public monies, on or before the first day of November, in the same year; and on failure, the commanding officer, or his successor, shall on ten days previous notice, obtain judgment for the same, in the county court, with costs. And should any person so charged with fines, fail to make payment, on or before the first day of May, in any year, the sheriff is hereby authorized to make distress and sale therefor, in the same manner as is directed in the collection of taxes. The commanding officer of every county, shall, on or before the thirty-first day of December, in every year, render to the executive, an account upon oath, of all monies which have come into his hands by virtue of his office, and of his disbursements, and if there shall remain any money in his hands, the same shall be paid into the treasury, in aid of the contingent fund. And for enforcing obedience to this act,

Their powers
and duty.

XI. *Be it enacted*, That the following forfeitures and penalties shall be incurred for delinquencies, viz. By the county lieutenant or commanding officer of a county, for failing to take any oath, to summon any court or board, to attend any court or board, to transmit any recommendation of an officer or officers to the governor, to deliver any commission or commissions, to appoint a general muster, to attend such muster armed as required, to report delinquencies, to make a general re-

Fines for de-
linquencies.

turn of his militia to the governor, as is directed by this act, shall, for each and every such offence or neglect, forfeit and pay twenty pounds; failing to send into actual service any militia called for by the governor, or to turn out his militia upon an invasion or insurrection of his county, fifty pounds: By a lieutenant colonel commandant, for failing to take any oath, to attend any court or board, to appoint a regimental muster, to give notice of a general muster, to examine his regiment, to report delinquencies, or to make any return as directed by this act, he shall forfeit and pay for each and every offence or neglect, ten pounds; failing to call forth from his regiment, with due dispatch, any detachment of men and officers, armed and equipped, as shall from time to time, be required by the commanding officer, on any call from the governor, invasion of, or insurrection in his county, or requisition of a neighbouring county, twenty-five pounds: By a major for failing to take any oath, to attend any court or board, to attend any muster armed as is herein directed, he shall for each and every such offence or neglect, forfeit and pay eight pounds; failing to repair to his rendezvous when summoned upon any call of the governor, invasion of or insurrection in the county, or requisition of the commander of a neighbouring county, he shall forfeit and pay sixteen pounds: By a captain, for failing to take any oath, to attend any court, to enroll his company, to appoint private musters, to give notice of a general or regimental muster, to attend any muster armed, to call his roll, examine his company, and report delinquencies, to make any return as is directed by this act, he shall forfeit and pay for each and every such offence and neglect, six pounds; failing to call forth such officers and men, as the commanding officer shall from time to time order from his company, upon any call from the governor, invasion of or insurrection in the county, or requisition from an adjacent county, or failing on any such occasion to repair to the place of rendezvous, he shall forfeit and pay twelve pounds: By a subaltern officer, for failing to take any oath, to attend any court or muster armed as directed, for each of the said offences he shall forfeit and pay three pounds; failing to repair to his place of rendezvous armed as required, when ordered upon any call from the governor, invasion of or insurrection in the county, or requi-

sition from a neighbouring county, he shall forfeit and pay six pounds. And moreover, the said officers, for any of the said offences shall be liable to be arrested and tried for the same as military offenders: By a non-commissioned officer or soldier, for failing to attend at any muster, with the arms, ammunition, and equipments, as directed by this act, he shall forfeit and pay ten shillings; failing to repair to his rendezvous, when ordered upon any call from the governor, invasion of or insurrection in the county, or requisition from a neighbouring county, he shall forfeit and pay two pounds. And any magistrate failing to attend any court or board, or to take any oath directed by this act shall forfeit and pay ten pounds.

All arms, ammunition, and equipments of the militia, shall be exempted from executions and distresses at all times, and their persons from arrests in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Each court or board, by this act directed to be held, are empowered to appoint a clerk and provost marshal; such clerk shall keep a fair record of their proceedings, and together with the said provost marshal, receive such allowance, to be paid out of the fines arising from delinquencies, as the said court or board shall think reasonable. And whereas the practice of paying for arms and accoutrements by the public, which are lost in service, is productive of the most mischevious consequences, in as much as it takes away a very great incentive to the holding them fast in action, and the preservation of them elsewhere;

Arms exempted from execution or distress, and militia from arrest.

XII. *Be it enacted*, That no arms or accoutrements, which may hereafter be lost in service, shall be paid for by the public, unless the loser shall be killed, wounded, or otherwise incapacitated in the opinion of a court-martial, from preserving his arms.

Arms lost in public service not to be paid for, unless the loser killed or disabled.

XIII. *And be it further enacted*, That this act shall commence and be in force, from and after the first day of April next, and thereafter all and every act or acts heretofore enacted, for or concerning any matter or thing within the purview of this act, shall be, and the same are hereby repealed. *Provided*, That this act shall not be construed to deprive the people called quakers of any privilege granted to them by an act of assembly, intituled, "An act to exempt quakers from at-

Repeal of former acts, saving of privileges of quakers.

Militia of
Williamsburg
and Norfolk,
under same
regulations
as in counties

tending musters." *Provided also*, That the governor, with advice of council, shall have power and authority to suspend the operation thereof in the counties on the western waters, so long as they may think proper.

XIV. *And be it further enacted*, That the militia of the city of Williamsburg and borough of Norfolk, shall have their officers appointed, and be under the same rules and regulations as the different counties.

CHAP. XXIX.

[Chapter
LXVIII in o-
riginal.]

An act for providing arms and ammunition for the defence of the state.

Arms and ac-
coutrements
to be provid-
ed.

I. *BE it enacted by the General Assembly*, That the governor with the advice of council, be authorized and required to purchase on the best terms he can, either in the country or by importation, in the ensuing year, as many thousand stand of arms and accoutrements brass mounted, of the descriptions directed in the militia law, with the words "Virginia militia" engraved thereon, as the money which from time to time may be appropriated for that purpose will purchase.

If imported,
to come from
France.

II. *And be it further enacted*, That if any such arms and accoutrements shall be imported from Europe, such importation shall be from France.

Gun powder,
flints, & car-
tridge paper,
to be import-
ed.

III. *And be it further enacted*, That the governor, with advice of council, shall also in like manner in the same year, and out of the fund herein after provided, import ten tons of musket powder, two hundred thousand gun-flints; and one hundred ream of musket cartridge paper, to be deposited in the public magazines. And for carrying this act into execution in the year one thousand seven hundred and eighty five, the executive is hereby authorized and empowered to draw ten thousand pounds out of any money which may be in the hands of the treasurer, on, or after the first day of July next, which shall be replaced out of the monies arising from the land office, so far as the same may not be al-

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